

STATE OF KANSAS
STATE CORPORATION COMMISSION

Notice of Public Hearing on Proposed Administrative Regulations

May 2, 2013

The State Corporation Commission will conduct a public hearing at 10:30 a.m. on Thursday, July 11, 2013, in the First Floor Hearing Room at the office of the State Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, to consider the adoption of proposed rules and regulations of the State Corporation Commission of the State of Kansas on a permanent basis.

This notice exceeds the 60-day notice requirement of the pending public hearing and shall constitute the beginning of the public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Amber Smith, Litigation Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas 66604, or by email to a.smith@kcc.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. To provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five (5) minutes.

Any individuals needing accommodations to participate in the public hearing should contact Dawn Dubach at (785) 271-3113 or the Kansas Relay Center at 1-800-766-3777 at least five (5) working days before the hearing. Accommodations include providing the proposed regulation and economic impact statement in accessible formats. The main entrance located on the southwest side of the building is handicapped accessible. Accessible parking is located on the southwest side of the State Corporation Commission parking lot.

A summary of the proposed regulations and the economic impact for each are as follows: (Note: Statements indicating that a regulation is "not anticipated to have any economic impact" are intended to indicate that no economic impact on the State Corporation Commission, other state agencies, state employees, or the general public has been identified.)

K.A.R. 82-4-1

This existing regulation defines the terms used in Article 4 – Motor Carriers of Persons and Property. The proposed amendments to this regulation include definitions for "chameleon carrier," "principal place of business," clarification of distance measures, and minor grammar and form corrections.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

K.A.R. 82-4-3a

This existing regulation adopts relevant portions of the Federal Motor Carrier Safety Administration (FMCSA) regulations (49 C.F.R. Part 395) governing the maximum driving times for property-carrying and/or passenger carrying commercial motor vehicles. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections and the most recent updates to FMCSA's regulations, including the adoption of the new Hours of Service regulations.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

K.A.R. 82-4-3b

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 40) governing the procedures for workplace drug and alcohol testing programs relevant to motor carriers. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections and the most recent updates to FMCSA regulations, including the adoption of the new chain of custody regulations and form.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

K.A.R. 82-4-3c

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 382) governing the procedures for testing for controlled substances and alcohol use. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections and the most recent updates to FMCSA regulations, to include the final rule harmonizing Schedule I drug requirements.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

K.A.R. 82-4-3d

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 385) governing motor carrier safety fitness procedures. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections and the most recent updates to FMCSA regulations.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

K.A.R. 82-4-3f

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. 390) which establish the minimum safety requirements to be followed by motor carriers and their employees, the safety standards for commercial motor vehicles and intermodal equipment. The

proposed amendments to this regulation include edits to reflect minor grammar and form corrections and the most recent updates to FMCSA regulations.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

K.A.R. 82-4-3g

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. 391) which establish the minimum duties of motor carriers with respect to the qualifications of their commercial motor vehicle drivers. This regulation also establishes the minimum qualifications for those drivers who own and operate commercial motor vehicles. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections and the most recent updates to FMCSA regulations.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

K.A.R. 82-4-3h

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. 392) which establish the minimum duties and procedures for the driving of commercial motor vehicles. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections and the most recent updates to FMCSA regulations, including the adoption of new texting and cell phone use prohibitions.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

K.A.R. 82-4-3i

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 393) governing the parts and accessories necessary for the safe operation of commercial motor vehicles. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections, deletions and additions required to reflect the most recent updates to FMCSA regulations.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

K.A.R. 82-4-3j

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 396) governing the inspection, repair and maintenance of commercial motor vehicles. The proposed amendments to this regulation include minor grammar and form corrections, deletions and additions required to reflect the most recent updates to FMCSA regulations.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

K.A.R. 82-4-3k

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 397) governing the transportation of hazardous materials with specific respect to driving and parking rules. The proposed amendments to this regulation reflect minor grammar and form corrections, deletions and additions required to reflect the most recent updates to FMCSA regulations.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

K.A.R. 82-4-3l

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 398) governing the transportation of migrant workers. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections, deletions and additions required to reflect the most recent updates to FMCSA regulations.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

K.A.R. 82-4-3m

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 399) establishing motor carrier employee safety and health standards. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections, deletions and additions required to reflect the most recent updates to FMCSA regulations.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

K.A.R. 82-4-3n

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 387) establishing requirements for the minimum levels of financial responsibility for motor carriers. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections and deletions and additions required to reflect the most recent updates to FMCSA regulations.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

K.A.R. 82-4-3o

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 386, Subpart F) establishing procedures relevant to imminent hazard with respect to motor carriers. The proposed amendments to this regulation include edits to reflect minor grammar and form

corrections and deletions and additions required to reflect the most recent updates to FMCSA regulations.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

K.A.R. 82-4-6d

This existing regulation establishes the application procedures for motor carriers and their drivers regarding waivers of the Federal physical fitness requirements. Drivers not meeting the physical requirements established in 49 C.F.R. 391 may not operate a commercial motor vehicle without a valid waiver. The waiver application process permits certain drivers an additional opportunity to prove fitness to operate a commercial motor vehicle. The proposed amendments to this regulation include edits to achieve consistency with federal requirements, including the addition of a diabetic waiver.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

K.A.R. 82-4-8a

This existing regulation establishes the minimum requirement for safety equipment which must be maintained by motor carriers and drivers of commercial motor vehicles. The proposed edits to this regulation adopt the Environmental Protection Agency's (EPA) toxicity standards set out in 40 C.F.R. Part 82, Subpart G. The edits also include minor grammar and form changes.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

K.A.R. 82-4-20

This existing regulation establishes the minimum requirements and standards to be observed in the transportation of hazardous materials by motor carriers and operators of commercial motor vehicles. The proposed edits to this regulation include the adoption of federal regulations concerning pre-transportation functions and edits to achieve consistency with federal requirements.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

K.A.R. 82-4-27

This existing regulation establishes the procedures for filing applications for certificates of convenience and necessity and certificates of public service. The proposed edits to this regulation delete the requirement to submit certain financial information.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

K.A.R. 82-4-29

This existing regulation establishes the procedures for filing applications for private carrier permits. The proposed edits to this regulation delete the requirement to submit certain financial information.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

K.A.R. 82-4-39

This existing regulation establishes the procedures for surrendering motor carrier identification and authority cards upon the abandonment or cancellation of the carrier's operating authority. The proposed edits to this regulation update and clarify the time and manner of surrendering identification and authority cards.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

K.A.R. 82-4-48a

This existing regulation establishes the requirements and procedures for the issuance of bills of lading, way bills and freight bills. The proposed edits to this regulation remove all references to contract carriers.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to this existing regulation.

Respectfully,

Patrice Petersen-Klein
Executive Director

82-4-1. Definitions. The following terms used in connection with the regulations of the state corporation commission governing motor carriers shall be defined as follows:

(a) “Affiliate” means a person or company controlling, controlled by, or under common control or ownership with, another person or company.

(b) “Air mile” means nautical mile.

(c) “Authorized agent” and “authorized representative” mean any authorized special agent or employee of the commission, any member of the Kansas highway patrol, or any law enforcement officer in the state certified in the inspection of motor carriers and authorized in accordance with the requirements of the Kansas motor carrier safety program.

~~(e)~~(d) “Certificate” means a document evidencing a certificate of convenience and necessity or a certificate of public service issued to an intrastate common carrier to operate motor vehicles as a common carrier.

(e) “Chameleon carrier” means a motor carrier continuing its motor carrier operation under a new USDOT or motor carrier identification (MCID) number for the purpose of avoiding a fine, penalty, federal out-of-service order or commission order that was issued against the previously used USDOT or MCID number.

~~(d)~~(f) “Commercial motor vehicle” means any of the following, except when used in 49 C.F.R. Part 382 as adopted by K.A.R. 82-4-3c:

(1) A vehicle that has a gross vehicle weight rating or gross combination weight rating, or a gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater;

(2) a vehicle designed or used to transport more than eight passengers, including the driver, for compensation;

(3) a vehicle that is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

(4) a vehicle used in transporting material found by the secretary of transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding according to regulations prescribed by the secretary under 49 C.F.R. Part 172 as adopted in K.A.R. 82-4-20.

~~(e)~~(g) “Commission” means ~~the~~ Kansas corporation commission.

~~(f)~~(h) “Conviction” means any of the following, ~~regardless of~~ whether or not the penalty is reduced, suspended, or resolved by means of a probationary agreement:

(1) An unvacated adjudication of guilt or a determination by a federal, state, or local court of original jurisdiction or by an authorized administrative tribunal that a person has violated or failed to comply with the law;

(2) an unvacated forfeiture of bail or collateral deposited to secure the person’s appearance in court;

(3) a plea of guilty or nolo contendere accepted by the court;

(4) the payment of a fine or court cost; or

(5) violation of a condition of release without bail.

~~(g)~~(i) “Director” means ~~the~~ director of the transportation division of the commission.

~~(h)~~(j) “Distance” means ~~airline distances~~ distance measured in air miles.

(1) Distances shall be computed from the corporate limits of incorporated communities and from the post office of unincorporated communities.

(2) If there is no post office in the unincorporated community, the distance shall be computed from the center of the business district.

~~(j)~~(k) “Docketing” means entering a proposal in the organization files and then giving notice of the proposal to other carrier members of the organization and shipper subscribers.

~~(j)~~(l) “Driveaway operation” and “towaway operation” mean any operation in which an empty or unladen motor vehicle with one or more sets of wheels on the surface of the roadway is being transported according to one of the following:

- (1) Between a vehicle manufacturer’s facilities;
- (2) between a vehicle manufacturer and a dealership or purchaser;
- (3) between a dealership, or other entity selling or leasing the vehicle, and a purchaser or lessee;
- (4) to a motor carrier’s terminal or repair facility for the repair of disabling damage, as defined in K.A.R. 82-4-3f, following a crash;
- (5) to a motor carrier’s terminal or repair facility for repairs associated with the failure of a vehicle component or system; or
- (6) by means of a saddle-mount or towbar.

~~(k)~~(m) “Driver” means any person who operates any commercial motor vehicle.

~~(k)~~(n) “Entire direct case” shall include, for the purpose of this article, all testimony, exhibits, and other documentation offered in support of the proposed rates.

~~(m)~~(o) “Express carrier” means a common carrier who carries packages or parcels, the maximum weight of which does not exceed 350 pounds for each package or parcel.

~~(n)~~(p) “FHWA” means the federal highway administration.

~~(o)~~(q) “FMCSA” means the federal motor carrier safety administration.

~~(p)~~(r) “General increase” and “general decrease” mean a common motor carrier rate increase or decrease proposed as a general adjustment of substantially all the rates published in a tariff.

~~(q)~~(s) “Hazardous material” means a substance or material that the U.S. secretary of transportation has determined is capable of posing an unreasonable risk to health, safety, and property when transported in commerce and has designated as hazardous under section 5103 of federal hazardous materials transportation law, 49 U.S.C. 5103. This term shall include hazardous substances, hazardous wastes, marine pollutants, elevated-temperature materials, materials designated as hazardous in the hazardous materials table in 49 C.F.R. 172.101 as adopted in K.A.R. 82-4-20, and materials that meet the criteria for hazard classes and divisions in 49 C.F.R. Part 173, subpart C as adopted in K.A.R. 82-4-20.

~~(r)~~(t) “Hazardous materials regulations” and “HMR” mean the federal hazardous material regulations as adopted in K.A.R. 82-4-20.

~~(s)~~(u) “Industry average carrier cost information” means the average intrastate cost of the carriers who participate in an organization tariff and who have authority from the commission to transport the commodities indicated in the organization tariff.

~~(t)~~(v) “Joint line rate” means a rate, charge, or allowance established by two or more common motor carriers of property or passengers that is applicable over the carriers’ lines and for which the transportation can be provided by these carriers.

~~(u)~~(w) “License” means the document or registration receipt evidencing the registration of an interstate common motor carrier or interstate exempt motor carrier to operate motor vehicles in the state of Kansas in interstate commerce.

~~(v)~~(x) “Licensed medical examiner” means a person who meets one of the following conditions:

- (1) Is licensed by the Kansas state board of healing arts to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;
- (2) is licensed by the Kansas state board of healing arts as a physician assistant; or
- (3) is licensed by the Kansas state board of nursing as a registered professional nurse qualified to practice as an advanced practice registered nurse ~~practitioner~~.

~~(w)~~(y) “Motor carrier” means any corporation, limited liability company, partnership, limited liability partnership, or individual subject to the provisions of the motor carrier laws of Kansas and under the jurisdiction of the Kansas corporation commission.

~~(x)~~(z) “Moving violation” means the commission or omission of an act by a person operating a motor vehicle that could result in injury or property damage and that is also a violation of a statute, ordinance, or regulation of this state or any other jurisdiction.

~~(y)~~(aa) “Notice” means advance notification to shipper subscribers through an organization’s docket service.

~~(z)~~(bb) “Organization” means a legal entity that administers an agreement approved under K.A.R. 82-4-69.

~~(aa)~~(cc) “Out-of-service” and “OOS,” when used to describe a driver, a commercial motor vehicle, or a motor carrier operation, mean that the driver, commercial motor vehicle, or motor carrier has ceased to operate or move pursuant to the statutes and regulations of the state of Kansas, the federal motor carrier safety administration regulations, or the industry standards specified in the “North American standard out-of-service criteria,” including the appendixes, published by the commercial vehicle safety alliance, revised on April 1, 2011, and hereby adopted by reference.

~~(bb)~~(dd) “Ownership” means an equity holding in a business entity of at least five percent.

~~(ee)~~(ee) “Permit” means the document evidencing authority of a motor carrier to operate motor vehicles as a private carrier.

~~(dd)~~(ff) “PHMSA” means pipeline and hazardous materials safety administration of the United States department of transportation.

(gg) “Principal place of business” means the location that is listed as the motor carrier’s address on the motor carrier’s MCS-150 form.

~~(ee)~~(hh) “Single line rate” means a rate, charge, or allowance established by a single common motor carrier of property or passengers that is applicable only over its line and for which the transportation can be provided by that carrier.

~~(ff)~~(ii) “Tariff publication” means the rates, charges, classification, ratings, or policies published by, for, or on behalf of common motor carriers of property or passengers.

~~(gg)~~(jj) “Transportation” means the movement of property and passengers and the loading, unloading, or storage incidental to this movement.

~~(hh)~~(kk) “USDOT” means the United States department of transportation.
(Authorized by and implementing K.S.A. ~~2010~~ 2012 Supp. 66-1,112, K.S.A. 66-1,112g, K.S.A. ~~2010~~ 2012 Supp. 66-1,129; effective Jan. 1, 1971; modified, L. 1981, Ch. 424, May 1, 1981; amended, T-83-45, Dec. 8, 1982; amended May 1, 1983; amended May 1, 1984; amended April 30, 1990; amended Sept. 16, 1991; amended July 6, 1992; amended May 10, 1993; amended Oct. 3, 1994; amended Jan. 30, 1995; amended Jan. 4, 1999; amended July 28, 2000; amended Nov. 14, 2011; amended P-_____.)

82-4-3a. Hours of service. (a) With the following exceptions, 49 C.F.R. Part 395, as in effect on ~~October 1, 2009~~ December 27, 2011, is hereby adopted by reference:

- (1) The following revisions shall be made to 49 C.F.R. 395.1:
 - (A) 49 C.F.R. 395.1(a)(2), ~~49 C.F.R. 395.1(h)~~, and ~~49 C.F.R. 395.1(i)~~ shall be deleted.
 - (B) The following revisions shall be made to paragraph (b):
 - (i) The phrase “Except as provided in paragraph (h)(2) of this section,” shall be deleted.
 - (ii) The phrase “§ 395.2” shall be deleted and replaced by “49 C.F.R. 395.2 as adopted by K.A.R. 82-4-3a.”
 - (iii) The phrase “§ 395.3(a) or § 395.5(a)” shall be deleted and replaced by “49 C.F.R. 395.3(a) as adopted by K.A.R. 82-4-3a or 49 C.F.R. 395.5(a) as adopted by K.A.R. 82-4-3a” in both instances.

(C) In paragraph (c), the phrase “§ 395.3(b)” shall be deleted and replaced by “49 C.F.R. 395.3(b) as adopted by K.A.R. 82-4-3a.”

(D) The following revisions shall be made to paragraph (d)(2):

(i) The phrase “§§ 395.8 and 395.15” shall be deleted and replaced with “49 C.F.R. 395.8 and 395.15 as adopted by K.A.R. 82-4-3a.”

(ii) The phrase “§ 395.3(a)(2)” shall be deleted and replaced with “49 C.F.R. 395.3(a)(2) as adopted by K.A.R. 82-4-3a.”

(iii) The phrase “§ 395.1(e)(1)” shall be deleted and replaced with “49 C.F.R. 395.1(e)(1) as adopted by K.A.R. 82-4-3a.”

(E) The following revisions shall be made to paragraph (e):

(i) In paragraph (e)(1), the phrase “§ 395.8” shall be deleted and replaced by “49 C.F.R. 395.8 as adopted by K.A.R. 82-4-3a.”

(ii) In paragraph (e)(1)(iv)(A), the phrase “§ 395.3(a)(3)” shall be deleted and replaced with “49 C.F.R. 395.3(a)(3) as adopted by K.A.R. 82-4-3a.”

(iii) In paragraph (e)(1)(v)(D), the phrase “§ 395.8(j)(2)” shall be deleted and replaced by “49 C.F.R. 395.8(j)(2) as adopted by K.A.R. 82-4-3a.”

(iv) In paragraph (e)(2), the phrase “§ 395.3(a)(2) and § 395.8” shall be deleted and replaced with “49 C.F.R. 395.3(a)(2) as adopted by K.A.R. 82-4-3a and 49 C.F.R. 395.8 as adopted by K.A.R. 82-4-3a,” and the phrase “§ 395.1(e)(1), (g) and (o)” shall be deleted and replaced by “49 C.F.R. 395.1(e)(1), (g) and (o) as adopted by K.A.R. 82-4-3a.”

(v) In paragraph (e)(2)(i), the phrase “part 383 of this subchapter” shall be deleted and replaced with “the Kansas uniform commercial drivers’ license act, found at K.S.A. 8-2,126 et seq.”

(vi) In paragraph (e)(2)(v)(D), the phrase “§ 395.8(j)(2)” shall be deleted and replaced with “49 C.F.R. 395.(j)(2) as adopted by K.A.R. 82-4-3a.”

(vii) In paragraph (e)(2)(ix)(D), the phrase “§ 395.8(j)(2)” shall be deleted and replaced with “49 C.F.R. 395.8(j)(2) as adopted by K.A.R. 82-4-3a.”

(F) In paragraph (f), the phrase “§ 395.3 (a) and (b)” shall be deleted and replaced by “49 C.F.R. 395.3 (a) and (b) as adopted by K.A.R. 82-4-3a.”

(G) The following revisions shall be made to paragraph (g):

(i) In paragraph (1)(i), the phrase “§§ 395.2 and 393.76 of this subchapter” shall be deleted and replaced with “K.A.R. 82-4-3a and 49 C.F.R. 393.76 as adopted by K.A.R. 82-4-3i.”

(ii) In paragraph (1)(i)(B), the phrase “§ 395.3(a)(3)(i)” shall be deleted and replaced with “49 C.F.R. 395.3(a)(3)(i) as adopted by K.A.R. 82-4-3a.”

(iii) In paragraph (1)(i)(C), the phrase “§ 395.3(a)(2)” shall be deleted and replaced with “49 C.F.R. 395.3(a)(2) as adopted by K.A.R. 82-4-3a.”

(iv) In paragraph (1)(i)(D), the phrase “§ 395.3(a)(2)” shall be deleted and replaced with “49 C.F.R. 395.3(a)(2) as adopted by K.A.R. 82-4-3a.”

(v) In paragraph (1)(ii)(C), the phrase “§ 395.3(a)(2)” shall be deleted and replaced with “49 C.F.R. 395.3(a)(2) as adopted by K.A.R. 82-4-3a.”

(vi) In paragraph (2), the phrase “§§ 395.2 and 393.76 of this subchapter” shall be deleted and replaced with “K.A.R. 82-4-3a and 49 C.F.R. 393.76 as adopted by K.A.R. 82-4-3i.”

(vii) In paragraph (2)(ii), the phrase “§ 395.3(a)(3)” shall be deleted and replaced with “49 C.F.R. 395.3(a)(3) as adopted by K.A.R. 82-4-3a.”

(viii) In paragraph (2)(iii)(B), the phrase “paragraph (g)(2)(iii)(A) of this section” shall be deleted and replaced with “49 C.F.R. 395.1(g)(2)(iii)(A) as adopted by K.A.R. 82-4-3a.”

(ix) In paragraph (2)(iv), the phrase “§ 395.3” shall be deleted and replaced with 49 C.F.R. 395.3 as adopted by K.A.R. 82-4-3a.”

(x) In paragraph (3), the phrase “§§ 395.2 and 393.76 of this subchapter” shall be deleted and replaced with “K.A.R. 82-4-3a and 49 C.F.R. 393.76 as adopted by K.A.R. 82-4-3i.”

(xi) In paragraph (3)(iv), the phrase “§ 395.5” shall be deleted and replaced with “49 C.F.R. 395.5 as adopted by K.A.R. 82-4-3a.”

(H) 49 C.F.R. 395.1(h) shall be deleted.

(I) 49 C.F.R. 395.1(i) shall be deleted.

(J) 49 C.F.R. 395.1(k) shall be deleted and replaced by the following:

“(k)(1) The provisions of this regulation shall not apply to ~~drivers transporting agricultural commodities or farm supplies for agricultural purposes if the transportation meets the following conditions:~~ any of the following, during planting and harvesting seasons:

“(A) ~~Is limited to an area within a 100 air mile radius from the source of the commodities or the distribution point for the farm supplies; and Drivers transporting agricultural~~

commodities from the source of the agricultural commodities to a location within a 150-air-mile radius from the source;

“(B) ~~is conducted within the planting and harvesting seasons.~~ drivers transporting farm supplies from a wholesale or retail distribution point to a farm or other location where the farm supplies are intended to be used within a 150-air-mile radius from the distribution point; or

“(C) drivers transporting farm supplies from a wholesale distribution point to a retail distribution point within a 150-air-mile radius from the wholesale distribution point.

“(2) ‘Planting and harvesting seasons’ means the time periods for planting and harvesting that occur between January 1 and December 31.”

(K) In paragraph (n), the phrase “§ 395.2” shall be deleted and replaced with “49 C.F.R. 395.2 as adopted by K.A.R. 82-4-3a.”

(L) In paragraph (o), the phrase “§ 395.3(a)(2)” shall be deleted and replaced with “49 C.F.R. 395.3(a)(2) as adopted by K.A.R. 82-4-3a.”

(M) In paragraph (o)(3), the phrase “§ 395.3(c)” shall be deleted and replaced with “49 C.F.R. 395.3(c) as adopted by K.A.R. 82-4-3a.”

(N) In paragraph (p), the phrase “§ 395.3(a)” shall be deleted and replaced with “49 C.F.R. 395.3(a) as adopted by K.A.R. 82-4-3a.”

(O) In paragraph (p)(3), the phrase “§ 395.3(a), and paragraphs (p)(1) and (2) of this section” shall be deleted and replaced with “49 C.F.R. 395.3(a) as adopted by K.A.R. 82-4-3a, and 49 C.F.R. 395.3(p)(1) and (2) as adopted by K.A.R. 82-4-3a.”

~~(C)~~(P) 49 C.F.R. 395.1(q) shall be deleted.

(Q) In paragraph (r), the phrase “§ 395.2” shall be deleted and replaced with “49 C.F.R. 395.2 as adopted by K.A.R. 82-4-3a.”

(2) The following revisions shall be made to 49 C.F.R. 395.2:

(A) The definition of “agricultural commodity” shall be deleted and replaced by the following: “‘Agricultural commodity’ means the unprocessed products of agriculture, horticulture, and cultivation of the soil, including wheat, corn, hay, milo, sorghum, sunflowers, and soybeans. Agricultural commodities shall not include livestock, honey, poultry products, and timber products,~~and nursery stock.~~”

(B) The definition of “electronic on-board recording device” shall be deleted.

(C) The definition of “farm supplies for agricultural purposes” shall be deleted and replaced by the following: “‘Farm supplies’ means supplies or equipment for use in the planting or harvesting of agricultural commodities and livestock feed.”

(D) In paragraph (4)(i) of the definition of “on duty time,” the phrase “§ 397.5 of this subchapter” shall be deleted and replaced with “49 C.F.R. 397.5 as adopted by K.A.R. 82-4-3k.”
In paragraph (7) of the definition of “on duty time,” the phrase “part 382 of this subchapter” shall be deleted and replaced with “49 C.F.R. Part 382 as adopted by K.A.R. 82-4-3c.”

(E) The definition of “signal employee” shall be deleted and replaced with the following: “‘Signal employee’ means an individual who is engaged in installing, repairing or maintaining signal systems.”

~~(C)~~(F) The definition of “sleeper berth” shall be deleted and replaced by the following: “‘Sleeper berth’ means a berth conforming to the requirements of 49 C.F.R. 393.76, as adopted in K.A.R. 82-4-3i.”

~~(D)~~(G) The phrase “found by the Secretary to be hazardous under 49 U.S.C. 5103 in a quantity requiring placarding under regulations issued to carry out such section,” which appears in the definition of “transportation of construction materials and equipment,” shall be deleted and replaced by “requiring placarding pursuant to 49 C.F.R. Part 172, as adopted in K.A.R. 82-4-20.”

(3) In 49 C.F.R. 395.3(a), the phrase “§ 395.1” shall be deleted and replaced with “49 C.F.R. 395.1 as adopted by K.A.R. 82-4-3a.”

(4) In the first sentence of 49 C.F.R. 395.5, the phrase “§ 395.1” shall be deleted and replaced with “49 C.F.R. 395.1 as adopted by K.A.R. 82-4-3a.”

(5) The following revisions shall be made to 49 C.F.R. 395.8:

(A) In paragraph (a), the phrase “paragraph (a)(1) or (2) of this section” shall be deleted and replaced with “49 C.F.R. 395.8(a)(1) or (2) as adopted by K.A.R. 82-4-3a.”

(B) The last sentence in 49 C.F.R. 395.8(a)(1) shall be deleted. 49 C.F.R. 395.8(a)(1) shall be deleted and replaced by the following: “Every driver who operates a commercial motor vehicle shall record his/her duty status, in duplicate, for each 24-hour period. The duty status time shall be recorded on a specified grid, as shown in 49 C.F.R. 395.8(g) as adopted by K.A.R. 82-4-3a. The grid and the requirements of 49 C.F.R. 395.8(d) as adopted by K.A.R. 82-4-3a may be combined with any company forms.”

(C) 49 C.F.R. 395.8(a)(2) shall be deleted and replaced by the following: “Every driver operating a commercial motor vehicle equipped with an automatic on-board recording device meeting the requirements of 49 C.F.R. 395.15 as adopted by K.A.R. 82-4-3a must record his or her duty status using the device installed in the vehicle. The requirements of 49 C.F.R.

395.8 as adopted by K.A.R. 82-4-3a shall not apply, except for 49 C.F.R. 395.8(e) as adopted by K.A.R. 82-4-3a and 49 C.F.R. 395.8(k)(1) and (2) as adopted by K.A.R. 82-4-3a.”

~~(B)~~(D) The “Note” that appears between 49 C.F.R. 395.8(c) and (d) shall be deleted.

(E) In paragraph (e), the phrase “either this section, § 395.15 or § 395.16,” shall be deleted and replaced with “49 C.F.R. 395.8 as adopted by K.A.R. 82-4-3a.”

(F) In paragraph (g), the phrase “paragraph (d) of this section” shall be deleted and replaced with “49 C.F.R. 395.8(d) as adopted by K.A.R. 82-4-3a.”

(G) The following revisions shall be made to paragraph (h):

(i) In paragraph (h)(2), the phrase “§ 395.2” shall be deleted and replaced with “49 C.F.R. 395.2 as adopted by K.A.R. 82-4-3a.”

(ii) In paragraph (h)(3), the phrase “§ 395.2” shall be deleted and replaced with “49 C.F.R. 395.2 as adopted by K.A.R. 82-4-3a.”

(iii) In paragraph (h)(4), the phrase “§ 395.2” shall be deleted and replaced with “49 C.F.R. 395.2 as adopted by K.A.R. 82-4-3a.”

~~(C)~~(H) The “Note” that appears between 49 C.F.R. 395.8(h)(5) and (i) shall be deleted.

~~(D)~~(I) The “Note,” including the graphic, that appears after 49 C.F.R. 395.8(k)(2) shall be deleted.

(6) 49 C.F.R. 395.11 shall be deleted.

~~(4)~~(7) The following revisions shall be made to 49 C.F.R. 395.13:

(A) The following revisions shall be made to paragraph (a):

(i) In paragraph (a), The phrase “every special agent of the Federal Motor Carrier Safety Administration (as defined in appendix B to this subchapter)” shall be deleted and replaced by “any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforcement officer in the state who has been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.”

(ii) The phrase “paragraph (b) of this section” shall be deleted and replaced by “49 C.F.R. 395.13(b) as adopted by K.A.R. 82-4-3a.”

(B) The following revisions shall be made to paragraph (b):

(i) In paragraph (b)(2), the phrase “§ 395.8” shall be deleted and replaced by “49 C.F.R. 395.8 as adopted by K.A.R. 82-4-3a.”

(ii) In paragraph (b)(4), the phrase “§ 385.811(d) of this chapter” shall be deleted and replaced by “49 C.F.R. 385.811(d) as adopted by K.A.R. 82-4-3d.”

(C) 49 C.F.R. 395.13(c)(2) shall be deleted and replaced by the following: “Within fifteen days following the date any driver is placed out of service, the motor carrier that employed the driver shall personally deliver or place in the U.S. mail to the ~~division administrator~~ or the state director of transportation and to the federal motor carrier safety administration a signed certification in a form acceptable to the commission. Any signed certification acceptable to the commission shall include the following information:

“(i) All violations have been corrected;

“(ii) action has been taken to assure compliance with 49 C.F.R. 395.1, 49 C.F.R. 395.2, 49 C.F.R. 395.3, 49 C.F.R. 395.5, 49 C.F.R. 395.8, 49 C.F.R. 395.13, and 49 C.F.R. 395.15, each as adopted by K.A.R. 82-4-3a; and

“(iii) the motor carrier understands that false certification can result in appropriate enforcement action.”

~~(C)(D)~~ The phrase “as adopted in K.A.R. 82-4-3k” shall be added before the phrase “pertaining to attendance and surveillance of commercial motor vehicles,” which appears in 49 C.F.R. 395.13(d)(4). 49 C.F.R. 395.13(d)(4) shall be deleted and replaced with the following:
“49 C.F.R. 395.13 as adopted by K.A.R. 82-4-3a does not alter the hazardous materials requirements prescribed in 49 C.F.R. 397.5 as adopted by K.A.R. 82-4-3k pertaining to attendance and surveillance of commercial motor vehicles.”

(8) The following revisions shall be made to 49 C.F.R. 395.15:

(A) In paragraph (a), the phrase “part 395” shall be deleted and replaced with “49 C.F.R. Part 395 as adopted by K.A.R. 82-4-3a.”

(B) In the first sentence of paragraph (a)(1), the phrase “§ 395.8 of this part” shall be deleted and replaced with “49 C.F.R. 395.8 as adopted by K.A.R. 82-4-3a.” The phrase “this section or § 395.16” shall be deleted and replaced with “49 C.F.R. 395.15 as adopted by K.A.R. 82-4-3a or 49 C.F.R. 395.16 as adopted by K.A.R. 82-4-3a.”

~~(5)(C)~~ In paragraph (b)(3), the phrase “§ 395.8(d) of this part” shall be deleted and replaced with “49 C.F.R. 395.8(d) as adopted by K.A.R. 82-4-3a.” The last sentence in 49 C.F.R. 395.15(b)(3) shall be deleted.

(D) In paragraph (i)(4), the term “FMCSA” shall be deleted and replaced by “commission.”

(E) In paragraph (j), the phrase “§ 395.8 of this part” shall be deleted and replaced with “49 C.F.R. 395.8 as adopted by K.A.R. 82-4-3a.”

(F) In paragraph (j)(2)(ii), the phrase “of this part” shall be deleted and replaced with “of 49 C.F.R. Part 395 as adopted by K.A.R. 82-4-3a.”

(9) 49 C.F.R. 395.16 through 395.18 shall be deleted.

~~(6)(A) The phrase “special agent of the Federal Motor Carrier Safety Administration (as defined in appendix B to this subchapter),” which appears in 49 C.F.R. 395.5 and 49 C.F.R. 395.15, shall be deleted and replaced by “any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforcement officer in the state who has been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.”~~

~~(B) The phrases “Federal Motor Carrier Safety Administration” and “FMCSA,” which appear in 49 C.F.R. 395.1, 49 C.F.R. 395.2, 49 C.F.R. 395.3, 49 C.F.R. 395.5, 49 C.F.R. 395.8, 49 C.F.R. 395.13, and 49 C.F.R. 395.15, shall be deleted and replaced by “commission.”~~

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted.

(c) No wrecker or tow truck, as defined by K.S.A. 66-1329 and amendments thereto, with a gross vehicle weight rating or gross combination vehicle weight rating of 26,000 pounds or less shall be subject to this regulation. (Authorized by and implementing K.S.A. ~~2010~~ 2012 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. ~~2010~~ 2012 Supp. 66-1,129; effective, T-82-12-16-03, Jan. 4, 2004; effective, T-82-4-27-04, May 3, 2004; effective, T-82-8-23-04, Aug. 31, 2004; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended, T-82-10-25-

05, Nov. 1, 2005; amended Feb. 17, 2006; amended, T-82-3-21-06, March 21, 2006; amended June 30, 2006; amended Oct. 2, 2009; amended Oct. 22, 2010; amended Nov. 14, 2011; amended P-_____.)

82-4-3b. Procedures for transportation workplace drug and alcohol testing programs. (a) With the following exceptions, 49 C.F.R. Part 40, as in effect on October 1, ~~2007~~ 2011, is hereby adopted by reference:

(1) The following changes shall be made to 49 C.F.R. 40.1:

(A) In paragraph (a), the phrase “Department of Transportation (DOT) agency” shall be deleted and replaced by “commission.”

(B) In paragraph (b), the phrase “DOT agency” shall be deleted and replaced by “commission.”

(C) Paragraph (c) shall be deleted.

(2) The following revisions shall be made to 49 C.F.R. 40.3:

(A) The following definition of “approved test” shall be added after the definition of “Alcohol use”:

“‘Approved test’ means a drug or alcohol test conducted in compliance with this regulation and K.A.R. 82-4-3c.”

(B) The following definition of “Custody and control form” shall be added after the definition of “Cancelled test”: “‘Custody and control form’ (CCF) means ~~a form as described in 49 C.F.R. 40.45~~ the form adopted by reference in K.A.R. 82-4-3b(a)(18)(A).”

(C) In the definition of “Consortium/Third-party administrator (C/TPA),” the term “DOT” shall be deleted and replaced with “commission.”

(D) In the definition of “Continuing Education,” the term “DOT” shall be deleted and replaced with “approved.”

(E) In the definition of “Drugs,” the phrase “this part and DOT agency regulations” shall be deleted and replaced with “this regulation and K.A.R. 82-4-3c.”

(F) In the definition of “Employee,” the term “DOT agency” shall be deleted and replaced by “Commission.” The term “U.S.” shall be inserted before the phrase “Department of Health and Human Services.”

~~(D)~~(G) In the definition of “Employer,” the phrase “subject to DOT agency regulations requiring compliance with this part” shall be deleted and replaced by “subject to this regulation and K.A.R. 82-4-3c.”

~~(E)~~(H) In the definition of “Evidential Breath Testing Device,” the phrase “as in effect on July 14, 2004, and hereby adopted by reference,” shall appear after the phrase “NHTSA’s Conforming Products List (CPL).”

(I) In the definition of “HHS,” the phrase “U.S.” shall be added before the phrase “Department of Health and Human Services” in both instances.

(J) In the definition of “Invalid drug test,” the phrase “as in effect on October 1, 2010, and hereby adopted by reference,” shall be added after the phrase “HHS Mandatory Guidelines.”

~~(F)~~(K) ~~The following revisions shall be made to~~ In the definition of “Laboratory,”:

(i) the words “by DOT” shall be deleted.

(ii) ~~The last sentence shall be deleted.~~

~~(G)~~ The definition of “Office of Drug and Alcohol Policy and Compliance” shall be deleted.

~~(H)~~(L) The following definition of “motor carrier” shall be added after the definition of “Office of Drug and Alcohol Policy and Compliance (ODAPC)” “Medical Review Officer”:
“‘Motor carrier.’ The definition of motor carrier found in ~~49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f~~ K.S.A. 66-1,108 and amendments thereto, shall apply to this section.”

(M) The definition of “Office of Drug and Alcohol Policy and Compliance” shall be deleted.

~~(H)~~(N) In the definition of “Qualification Training,” the term “DOT” shall be deleted and replaced by “commission.”

~~(H)~~(O) In the definition of “Refresher Training,” the phrase “DOT agency drug and alcohol testing regulations” shall be deleted and replaced by “K.A.R. 82-4-3c.”

~~(K)~~(P) The definition of “Secretary” shall be deleted.

(Q) In the definition of “Service Agent,” the phrase “DOT” shall be deleted and replaced by the phrase “commission.”

~~(L)~~(R) The following definition of “special agent or authorized representative” shall be added after the definition of “Shipping container”:

“‘Special agent or authorized representative’ means an authorized representative of the commission, and members of the Kansas highway patrol or any other law enforcement officers in the state who have been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.”

~~(M)~~(S) In the definition of “Substance Abuse Professional,” the term “DOT” shall be deleted and replaced by “commission.”

~~(N)~~(T) The following definition of “unapproved test” shall be added after the definition for “Substituted specimen”:

“‘Unapproved test’ means a drug or alcohol test not conducted in compliance with this regulation or K.A.R. 82-4-3c.”

(3) 49 C.F.R. 40.5 and 49 C.F.R. 40.7 shall be deleted.

(4) The following revisions shall be made to 49 C.F.R. 40.11:

(A) In paragraph (b), the phrase “the DOT agency regulations” shall be deleted and replaced by “this regulation and K.A.R. 82-4-3c.”

(B) Paragraph (c) shall be deleted and replaced by the following:

“All agreements and arrangements, written or unwritten, between and among employers and service agents concerning the implementation of the commission’s drug and alcohol testing requirements shall require compliance with all applicable provisions of this regulation and K.A.R. 82-4-3c.”

(5) The following revisions shall be made to 49 C.F.R. 40.13:

(A) The following revisions shall be made to paragraphs (a) and (b):

(i) The term “DOT” shall be deleted and replaced by “These approved.”

(ii) The term “non-DOT” shall be deleted and replaced by “unapproved.”

(B) In paragraph (b), the phrase “a DOT” shall be deleted and replaced by “an approved.”

(C) The following revisions shall be made to paragraph (c):

(i) The first instance of the term “DOT” found in the first sentence shall be deleted and replaced by “an approved.”

(ii) The phrase “DOT agency regulations” appearing in the first sentence shall be deleted and replaced by “K.A.R. 82-4-3c.”

(iii) The phrase “a DOT” found in the second sentence shall be deleted and replaced by “an approved.”

(D) The following revisions shall be made to paragraph (d):

(i) The phrase “a DOT” shall be deleted and replaced by “an approved.”

(ii) The phrase “DOT agency” shall be deleted and replaced by “commission.”

(E) The following revisions shall be made to paragraph (e):

(i) The first two instances of the term “DOT” shall be deleted and replaced by “approved.”

(ii) The term “non-DOT” shall be deleted and replaced by “unapproved.”

(iii) The last instance of the term “DOT” shall be deleted.

(F) The following revisions shall be made to paragraph (f):

(i) The ~~words~~ phrase “the CCF or the ATF” shall be deleted and replaced by “an approved form.”

(ii) The term “non-DOT” shall be deleted and replaced by “unapproved.”

(iii) The term “DOT” shall be deleted and replaced by “approved.”

(iv) The words “and agencies” shall be deleted.

(v) In the last sentence, the phrase “CCF and ATF” shall be deleted and replaced by “approved forms.”

(vi) The term “DOT-mandated” shall be deleted and replaced by “approved.”

(6) The following revisions shall be made to 49 C.F.R. 40.14:

(A) In paragraph (e), the phrase “§ 40.35 of this part” shall be deleted and replaced with “49 C.F.R. 40.35 as adopted by K.A.R. 82-4-3b.”

(B) Paragraph (g) shall be deleted and replaced with “The FMCSA shall be indicated as the specified testing authority.”

(C) In paragraph (i), the phrase “§ 40.67 of this part” shall be deleted and replaced with “49 C.F.R. 40.67 as adopted by K.A.R. 82-4-3b.”

(7) The following revisions shall be made to 49 C.F.R. 40.15:

(A) The following revisions shall be made to paragraph (a):

(i) In paragraph (a), The term “DOT agency” shall be deleted and replaced by “commission.”

(ii) The phrase “49 C.F.R. Part 40” shall be inserted before the phrase “subpart Q.”

(iii) The phrase “of this part” shall be deleted.

(B) The following revisions shall be made to paragraph (b):

(i) The phrase “this part” shall be deleted and replaced with “49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b” in both instances.

(ii) The phrase “§ 40.121” shall be deleted and replaced with “49 C.F.R. 40.121 as adopted by K.A.R. 82-4-3b.”

(iii) The phrase “§ 40.121(e)” shall be deleted and replaced with “49 C.F.R. 40.121(e) as adopted by K.A.R. 82-4-3b.”

(C) The following revisions shall be made to paragraph (c):

(i) The first and second instance of the term “DOT” shall be deleted and replaced by “approved.”

(ii) All instances of the phrase “a DOT agency” shall be deleted and replaced by “the commission.”

~~(7)~~(8) The last sentence of 49 C.F.R. 40.17 shall be deleted.

~~(8)~~(9) The following revisions shall be made to 49 C.F.R. 40.21:

(A) In paragraph (a), the phrase “a DOT agency” shall be deleted and replaced by “the commission.”

(B) In paragraph (b), the term “concerned DOT agency” shall be deleted and replaced by “commission.”

(C) Paragraphs (b)(1), (b)(2), and (b)(3) shall be deleted.

(D) Paragraph (c)(1)(iv) shall be deleted.

(E) The following revisions shall be made to paragraph (d):

(i) The phrase “Administrator of the concerned DOT agency” shall be deleted and replaced by “commission.”

(ii) The words “his or her” shall be deleted and replaced by “the commission’s.”

(iii) The words “he or she” shall be deleted and replaced by “the commission.”

(F) In paragraph (d)(1), the phrase “Administrator, or his or her designee” shall be deleted and replaced by “commission.”

(G) The following revisions shall be made to paragraph (d)(2):

(i) The phrase “Administrator, or his or her designee” shall be deleted and replaced by “commission.”

(ii) The term “DOT agency” shall be deleted and replaced by “commission.”

(H) In paragraph (e), the term “DOT agency” shall be deleted and replaced by “commission.”

~~(9)~~(10) The following revisions shall be made to 49 C.F.R. 40.25:

(A) In paragraph (b), the term “DOT-regulated” shall be deleted and replaced by “commission-regulated.”

(B) In paragraph (b)(4), the term “DOT agency” shall be deleted and replaced by “commission.”

(C) The following revisions shall be made to paragraph (b)(5):

(i) The phrase “a DOT” shall be deleted and replaced by “an approved.”

(ii) The remaining term “DOT” shall be deleted and replaced by “the commission’s.”

(D) In paragraph (c), the phrase “DOT agency” shall be deleted and replaced with “commission.”

(E) The following revisions shall be made to paragraph (e):

(i) The phrase “a DOT agency drug and alcohol regulation” shall be deleted and replaced by “this regulation or K.A.R. 82-4-3c or both.”

(ii) The phrase “this part” shall be deleted and replaced with “49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b.”

(iii) The remaining term “DOT agency” shall be deleted and replaced by “commission.”

(F) In paragraph (j), the phrase “DOT agency” shall be deleted and replaced with “commission.”

~~(10)~~(11) 49 C.F.R. 40.26 shall be deleted and replaced by the following: “Management information system (“MIS”) data shall be reported to the commission within 10 days of the commission’s request for the information. MIS data shall be reported in a certified form acceptable to the commission. A certified form acceptable to the commission shall include the following information:

“(a) Information regarding the employer, including:

“(1) The name of the employer’s business and, if applicable, the name it does business as;

“(2) the company’s physical address and, if applicable, e-mail address;

“(3) the printed name and signature of the company’s official certifying the MIS data;

“(4) the date the MIS data was certified;

“(5) the name and telephone number of the person preparing the form, if it is different from the person certifying the MIS data;

“(6) the name and telephone number of the C/TPA, if applicable; and

“(7) the employer’s motor carrier identification number.

“(b) Information regarding the covered employees, including:

“(1) the total number of safety-sensitive employees in all categories;

“(2) the total number of employee categories;

“(3) the name of the employee category or categories; and

“(4) the total number of employees for each category.

“(c) Information regarding the drug testing data, including:

“(1) The type of test, which includes:

“(A) Pre-employment;

- “(B) random;
 - “(C) post-accident;
 - “(D) reasonable suspicion or cause;
 - “(E) return-to-duty; and
 - “(F) follow-up.
- “(2) The number of tests by result, including:
- “(A) Total number of test results;
 - “(B) verified negative results;
 - “(C) verified positive results for one or more drugs;
 - “(D) positive for marijuana;
 - “(E) positive for cocaine;
 - “(F) positive for PCP;
 - “(G) positive for opiates;
 - “(H) positive for amphetamines;
 - “(I) canceled results; and
 - “(J) refusal results, including:
 - “(i) Adulterated;
 - “(ii) substitutes;
 - “(iii) shy bladder with no medical explanation; and
 - “(iv) other refusals to submit to testing.
- “(d) Information resulting alcohol testing data, including:

“(1) The type of test, including the same types as listed in paragraph (c)(1) above;

“(2) The number of tests by results, including:

“(A) Total number of screen test results;

“(B) screening tests with results below 0.02;

“(C) Screening tests with results of 0.02 or greater;

“(D) number of confirmation test results;

“(E) confirmation tests with results of 0.02 through 0.039;

“(F) confirmation tests with results of 0.04 or greater;

“(G) canceled results; and

“(H) refusal results, including:

“(i) Shy lung with no medical explanation; and

“(ii) other refusals to submit to testing.”

~~44~~(12) The following changes shall be made to 49 C.F.R. 40.29:

(A) The first sentence shall be deleted and replaced by “Other information regarding the responsibilities of employers can be found in the following sections of 49 C.F.R. Part 40, as adopted by this regulation.”.

(B) The word “non-Federal” shall be deleted and replaced by “unapproved.”

(C) The term “DOT” shall be deleted and replaced by “approved.”

(D) The word “Federal” shall be deleted.

(E) The term “non-DOT” shall be deleted and replaced by “unapproved.”

(F) The phrase “~~See, § 40.227--~~Use of non-DOT forms for DOT tests or DOT ATFs for non-DOT tests” shall be deleted.

~~(12)~~(13) The following revisions shall be made to 49 C.F.R. 40.31:

(A) In paragraph (a), the term “DOT” shall be deleted and replaced by “approved.”

(B) In paragraph (b), the phrase “§ 40.33” shall be deleted and replaced with “49 C.F.R. 40.33 as adopted by this regulation.”

(C) In paragraph (c), the phrase “DOT agency” shall be deleted and replaced by “commission.”

~~(13)~~(14) The following revisions shall be made to 49 C.F.R. 40.33:

(A) In the first paragraph, the term “DOT” shall be deleted and replaced by “approved.”

(B) The following revisions shall be made to paragraph (a):

(i) The words “this part, the current ‘DOT Urine Specimen Collection Procedures Guidelines,’ and DOT agency” shall be deleted and replaced by “commission.”

(ii) The last sentence of paragraph (a) shall be deleted.

(C) In paragraph (c)(2)(i), the term “DOT” shall be deleted and replaced by “approved.”

(D) Paragraphs (d), (d)(1), (d)(2), and (d)(3) shall be deleted.

(E) In paragraph (g), the phrase “DOT agency” shall be deleted and replaced by “special agents and authorized.”

~~(14)~~(15) The first sentence of 49 C.F.R. 40.37 shall be deleted and replaced by “Other information regarding the role and functions of collectors can be found in the following sections of 49 C.F.R. Part 40, as adopted by this regulation:”.

~~(15)~~(16) The following revisions shall be made to 49 C.F.R. 40.41:

(A) In paragraph ~~49 C.F.R. 40.41~~(a), the term “a DOT” shall be deleted and replaced by “an approved.”

(B) In paragraph (b), the phrase “§ 40.43” shall be deleted and replaced by “49 C.F.R. 40.43 as adopted by K.A.R. 82-4-3b.”

(C) In paragraph (f)(2)(ii), the phrase “§ 40.69” shall be deleted and replaced with “49 C.F.R. 40.69 as adopted by K.A.R. 82-4-3b.”

~~(16)~~(17) The following revisions shall be made to 49 C.F.R. 40.43:

(A) In paragraph (d)(1), the phrase “§ 40.193(b)” shall be deleted and replaced with “49 C.F.R. 40.193(b) as adopted by K.A.R. 82-4-3b.”

(B) In ~~49 C.F.R. 40.43~~ paragraph (e)(1), the term “DOT agency representatives” shall be deleted and replaced by “special agent or authorized representative.”

~~(17)~~(18) The following revisions shall be made to 49 C.F.R. 40.45:

(A) Paragraph (a) shall be deleted and replaced by the following: “The ‘Federal Drug Testing Custody and Control Form’ (CCF), Version C dated May 14, 2010 (OMB No. 0930-0158), which is hereby incorporated by reference, must be used to document every urine collection required by the commission drug testing program.”

~~“(1) — A commission approved CCF form shall be used to document every urine collection required by the approved drug testing program. A commission approved CCF form shall be a form containing the information listed below. There shall be five copies of the CCF form. Each form shall be labeled as follows:~~

~~“(A) — ‘Copy 1 — Laboratory’;~~

~~“(B) — ‘Copy 2 — Medical Review Officer Copy’;~~

~~“(C) — ‘Copy 3 — Collector Copy’;~~

~~“(D) — ‘Copy 4 — Employer Copy’; and~~

~~“(E) — ‘Copy 5 — Donor Copy.’~~

~~“(2) — All five copies of the CCF form shall contain the following information:~~

~~“(A) — The following information on the form may be completed by either the collector or the employee representative:~~

~~“(i) — Employer information, including the name, address, and identification number issued pursuant to K.A.R. 82-4-8h;~~

~~“(ii) — the MRO name, address, telephone number, and fax number;~~

~~“(iii) — the donor’s social security or employee identification number;~~

~~“(iv) — the reason for the testing;~~

~~“(v) — the tests performed;~~

~~“(vi) — the collection site address; and~~

~~“(vii) — the collector’s home telephone number and facsimile number;~~

~~“(B) — The following information on the form shall be completed by the collector:~~

~~“(i) — an indication of whether the specimen temperature within four minutes of collection was between 90 degrees and 100 degrees Fahrenheit;~~

~~“(ii) — an indication regarding whether the specimen was single or split, or whether no specimen was provided; and~~

~~“(iii) — a space for any other remarks the collector shall provide;~~

~~“(C) — The collector shall certify the following information with his or her signature:~~

~~“(i) — the collector’s name, clearly printed;~~

~~“(ii) — the date and time the collector released the specimen bottle for delivery to the laboratory; and~~

~~“(iii) — the name of the delivery service transferring the specimen to the laboratory; and~~

~~“(D) — The laboratory shall certify the following information by signature:~~

~~“(i) — the name, printed clearly, of the person signing the certification as the employee of the laboratory receiving the specimen;~~

~~“(ii) — an indication of whether the specimen bottle seal is intact; and~~

~~“(iii) — an indication of who at the laboratory the specimen bottle was released to.~~

~~“(2) — In addition to the information required in paragraph (a)(2) above, Copy 1 of the CCF shall include the following:~~

~~“(A) — A specimen bottle seal, marked as ‘A,’ which shall contain the following information:~~

~~“(i) — The specimen identification number;~~

~~“(ii) — a circle in the center of the label which shall indicate which portion of the labels shall be positioned over the cap of the specimen bottle;~~

~~“(iii) — the date the specimen was collected; and~~

~~“(iv) — a space for the donor to initial the seal.~~

~~“(B) — A specimen bottle seal, marked as ‘B,’ which shall contain the following information:~~

~~“(i) — The specimen identification number;~~

~~“(ii) — an indication that this is a split of the specimen bottle marked as ‘A’;~~

~~“(iii) — a circle in the center of the label which shall indicate which portion of the labels shall be positioned over the cap of the specimen bottle;~~

~~“(iv) — the date the specimen was collected; and~~

~~“(v) — a space for the donor to initial the seal.~~

~~“(C) — The following information, which shall be completed by the primary laboratory:~~

~~“(i) — An indication of whether the test was negative or whether it contained evidence of the presence of a specific drug in the urine;~~

~~“(ii) — a space for any additional remarks;~~

~~“(iii) — the name of the testing laboratory, if it is a laboratory other than the one listed as having received the specimen according to paragraph (1)(D)(i);~~

~~“(iv) — the printed name and signature of the scientist certifying the chain of custody and the test results; and~~

~~“(v) — the date the certification was signed.~~

~~“(D) — The following information, if split specimen results are tested by a secondary laboratory:~~

~~“(i) — The secondary laboratory’s name and address;~~

~~“(ii) — an indication of whether the secondary laboratory was able to confirm the primary laboratory’s results;~~

~~“(iii) — if the secondary laboratory was unable to confirm the primary laboratory’s results, an indication of why;~~

~~“(iv) — the printed name and signature of the scientist certifying the chain of custody and the test results; and~~

~~“(v) — the date the certification was signed.~~

~~“(3) — In addition to the information required in paragraph (a)(2) above, Copy 2, Copy 3, Copy 4, and Copy 5 shall contain the following:~~

~~“(A) — The following information shall be provided by the donor:~~

~~“(i) — The printed name and signature of the donor certifying that the donor provided his or her own urine to the collector, that the specimen was unadulterated, that the specimen bottle was sealed with a tamper evident seal in the donor’s presence, and that the information provided on the seals and the CCF is correct;~~

~~“(ii) — the date the CCF was signed by the donor;~~

~~“(iii) — the donor’s daytime and evening telephone numbers; and~~

~~“(iv) — the donor’s date of birth.~~

~~“(B) — The medical review officer examining the primary specimen shall indicate whether:~~

~~“(i) — the test was canceled;~~

~~“(ii) — the donor refused to test because the sample was adulterated, substituted, or diluted;~~

~~“(iii) — the test results were negative; or~~

~~“(iv) — the test results were positive.~~

~~“(C) — The medical review officer examining the primary specimen shall provide the following information:~~

~~“(i) — Any remarks in addition to the test results;~~

~~“(ii) — the printed name and signature of the medical review officer examining the specimen;~~

and

~~(iii) — the date the medical review officer signed the CCF.~~

~~“(D) The medical review officer examining the split specimen shall provide the following information:~~

~~“(i) whether the primary medical review officer’s test results were confirmed or unconfirmed;~~

~~“(ii) If the primary medical review officer’s test results were not confirmed, a reason why;~~

~~“(iii) the printed name and signature of the medical review officer examining the split specimen; and~~

~~“(iv) the date the CCF was signed by the medical review officer examining the split specimen.”~~

(B) The following revisions shall be made to paragraph (b):

(i) In the first sentence, the term “a non-Federal” shall be deleted and replaced by “an unapproved.”

(ii) In the first sentence, the words “Federal” and term “DOT” shall be deleted.

(iii) In the second sentence, the words word “expired Federal” shall be deleted and replaced by “unapproved.”

(iv) The third sentence shall be deleted.

(C) The following revisions shall be made to paragraph (c):

(i) The term “DOT” shall be deleted and replaced with “commission.”

(ii) Paragraph (c)(3) shall be deleted.

(D) Paragraph (e) shall be deleted.

~~(18)~~(19) The following revisions shall be made to 49 C.F.R. 40.47:

(A) The following changes shall be made to paragraph (a):

- (i) The last sentence of paragraph (a) shall be deleted.
- (ii) The term “non-Federal” shall be deleted and replaced by “unapproved.”
- (iii) The remaining uses of the term “DOT” shall be deleted and replaced by “approved.”

(B) The following changes shall be made to paragraph (b):

- (i) The phrase “a non-Federal” shall be deleted and replaced by “an unapproved.”
- (ii) The term “non-Federal” shall be deleted and replaced by “unapproved.”
- (iii) The term “a DOT” shall be deleted and replaced by “an approved.”

(iv) The phrase “§ 40.205(b)(2)” shall be deleted and replaced by “49 C.F.R. 40.205(b)(2) as adopted by K.A.R. 82-4-3b.”

~~(19)~~(20) The following revisions shall be made to 49 C.F.R. 40.49:

- (A) The term “DOT” shall be deleted and replaced by “approved.”
- (B) The phrase “as in effect on October 1, ~~2007~~ 2011, and hereby adopted by reference”

shall be added after the phrase “Appendix A of ~~this part~~ 49 C.F.R. Part 40.”

~~(20)~~(21) The following revisions shall be made to 49 C.F.R. 40.61:

(A) At the end of paragraph (a), the phrase “§ 40.191(a)(1)” shall be deleted and replaced with “49 C.F.R. 40.191(a)(1) as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (b)(1), the phrase “a DOT” shall be deleted and replaced by “an approved.”

~~(B)~~(C) The following revisions shall be made to paragraph (f)(3):

- (i) The phrase “DOT agency authorized” shall be deleted.
- (ii) The phrase “required by K.A.R. 82-4-6d, and by 49 C.F.R. 491.45, 391.45, and 391.49, as adopted by K.A.R. 82-4-3g” shall be added after “medical examination.”

(D) In paragraph (f)(5)(i), the phrase “§ 40.67” shall be deleted and replaced with “49 C.F.R. 40.67 as adopted by K.A.R. 82-4-3b.”

~~(21)~~(22) The following revisions shall be made to 49 C.F.R. 40.63:

(A) Paragraph (a) shall be deleted and replaced by the following: “Complete the appropriate portions of the CCF as set forth in 49 C.F.R. 40.45 as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (d)(1), the phrase “§§ 40.67 and 40.69” shall be deleted and replaced with “49 C.F.R. 40.67 and 40.69, as adopted by K.A.R. 82-4-3b.”

(C) In paragraph (e), the term “(Step 2)” shall be deleted. phrase “§ 40.67” shall be deleted and replaced with “49 C.F.R. 40.67, as adopted by K.A.R. 82-4-3b.”

~~(22)~~(23) The following revisions shall be made to 49 C.F.R. 40.65:

(A) In paragraph (a)(1), the phrase “§ 40.193(b)” shall be deleted and replaced with “49 C.F.R. 40.193(b) as adopted by K.A.R. 82-4-3b.”

(B) Paragraph (b)(3) shall be deleted and be replaced by the following: “Indicate on the CCF whether the specimen temperature is within the acceptable range.”

~~(B)~~(C) Paragraph (b)(4) shall be deleted and replaced by the following: “If the specimen temperature is outside the acceptable range, indicate that finding in the space provided on the CCF.”

(D) In paragraph (b)(5), the phrase “§ 40.67” shall be deleted and replaced with “49 C.F.R. 40.67 as adopted by K.A.R. 82-4-3b.”

(E) In paragraph (b)(7), the phrase “§ 40.191(a)(3)” shall be deleted and replaced with “49 C.F.R. 40.191(a)(3) as adopted by K.A.R. 82-4-3b,” and the phrase “§40.191(a)(4)” shall be deleted and replaced with “49 C.F.R. 40.191(a)(4) as adopted by K.A.R. 82-4-3b.”

(F) In paragraph (c)(1), the phrase “§ 40.67” shall be deleted and replaced with “49 C.F.R. 40.67 as adopted by K.A.R. 82-4-3b.”

(G) In paragraph (c)(3), the phrase “§ 40.193(a)(4)” shall be deleted and replaced with “49 C.F.R. 40.193(a)(4) as adopted by K.A.R. 82-4-3b.”

~~(23)~~(24) The following changes shall be made to 49 C.F.R. 40.67:

(A) In paragraph (a)(3), the phrase “§ 40.197(b)(1)” shall be deleted and replaced with “49 C.F.R. 40.197(b)(1) as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (c)(2), the phrase “§§ 40.61(f)(5)(i) and 40.63(e)” shall be deleted and replaced with “49 C.F.R. 40.61(f)(5)(i) and 40.63(e) as adopted by K.A.R. 82-4-3b.”

(C) In paragraph (c)(3), the phrase “§ 40.65(b)(5)” shall be deleted and replaced with “49 C.F.R. 40.65(b)(5) as adopted by K.A.R. 82-4-3b,” and the phrase “§ 40.65(c)(1)” shall be deleted and replaced with “49 C.F.R. 40.65(c)(1) as adopted by K.A.R. 82-4-3b.”

(D) Paragraph (e)(1) shall be deleted and replaced by the following: “Indicate the reason for the directly observed collection the same as for the first collection.”

~~(B)~~(E) Paragraph (e)(2) shall be deleted and replaced by the following: “Indicate on the CCF that the collection was observed and the reasons why.”

~~(C)~~(F) In paragraph (f), the term “(Step 2)” shall be deleted.

(G) In paragraph (l), the term “(Step 2)” shall be deleted.

~~(24)~~(25) The following revisions shall be made to 49 C.F.R. 40.69:

(A) In paragraph (d), the phrase “§§ 40.63(e), 40.65(c), and 40.67(b)” shall be deleted and replaced with “49 C.F.R. 40.63(e), 40.65(c), and 40.67(b) as adopted by K.A.R. 82-4-3b.”

(B) In ~~49 C.F.R. 40.69~~ paragraph (f), the term “(Step 2)” shall be deleted.

~~(25)~~(26) The following revisions shall be made to 49 C.F.R. 40.71:

- (A) In paragraph (a), the phrase “DOT agency drug testing regulations” shall be deleted and replaced by “this regulation and K.A.R. 82-4-3c.”
- (B) Paragraph (b)(1) shall be deleted and replaced by the following: “Indicate on the CCF that this was a split specimen collection.”
- (C) In paragraph (b)(7), the term “(Step 2)” shall be deleted.
- (D) In paragraph (b)(8), the term “a DOT agency regulation” shall be deleted and replaced by “K.A.R. 82-4-6d or 49 C.F.R. 391.41, 391.43, 391.45, or 391.49, as adopted by K.A.R. 82-4-3g.”

~~(26)~~(27) The following revisions shall be made to 49 C.F.R. 40.73:

- (A) In paragraph (a)(1), the terms “(Step 5)” and “(Step 2)” shall be deleted.
- (B) In paragraph (a)(2), the term “(Step 4)” shall be deleted.
- (C) In paragraph (a)(9), the phrase “applicable DOT agency regulations” shall be deleted and replaced by “the commission.”

~~(27)~~(28) The following revisions shall be made to 49 C.F.R. 40.81:

- (A) The term “DOT” shall be deleted and replaced with “approved.”
- (B) 49 C.F.R. 40.81(b), (b)(1), (b)(2), (c), and (d) shall be deleted.

~~(28)~~(29) The following revisions shall be made to 49 C.F.R. 40.83:

- (A) The term “DOT” shall be deleted and replaced with “commission.”
- (B) Paragraph (b) shall be deleted.
- (C) In paragraph (d), the phrase “§ 40.97(a)(3)” shall be deleted and replaced with “49 C.F.R. 40.97(a)(3) as adopted by K.A.R. 82-4-3b.”

(D) The following revisions shall be made to paragraph (e):

~~(B)~~(i) In paragraph (e), The phrase “in Step 4” shall be deleted.

(ii) In paragraph (e)(2), the phrase “§ 40.205(b)(1)” shall be deleted and replaced with “49 C.F.R. 40.205(b)(1) as adopted by K.A.R. 82-4-3b.”

(iii) In paragraph (e)(3), the phrase “§ 40.97(a)(3)” shall be deleted and replaced with “49 C.F.R. 40.97(a)(3) as adopted by K.A.R. 82-4-3b.”

(E) The following revisions shall be made to paragraph (f):

(i) The phrase “§ 40.208” shall be deleted and replaced with “49 C.F.R. 40.208 as adopted by K.A.R. 82-4-3b.”

(ii) In paragraph (f)(2), the phrase “§ 40.97(a)” shall be deleted and replaced with “49 C.F.R. 40.97(a) as adopted by K.A.R. 82-4-3b.”

(F) The following revisions shall be made to paragraph (g):

(i) The phrase “§ 40.45(a)” shall be deleted and replaced with “49 C.F.R. 40.45(a) as adopted by K.A.R. 82-4-3b.”

~~(C)~~(ii) In paragraph (g), The phrase “a non-Federal form or an expired Federal” shall be deleted and replaced by “an unapproved.”

(iii) The phrase “§ 40.205(b)(2)” shall be deleted and replaced by “49 C.F.R. 40.205(b)(2) as adopted by K.A.R. 82-4-3b.”

~~(D)~~(G) Paragraph (g)(2) shall be deleted.

(H) In paragraph (h), the phrase “§ 40.175(b)” shall be deleted and replaced with “49 C.F.R. 40.175(b) as adopted by K.A.R. 82-4-3b.”

~~(29)~~(30) In 49 C.F.R. 40.85, the first two sentences shall be deleted and replaced by “The urine specimens shall be tested for only the following five drugs:”.

~~(30)~~(31) The following revisions shall be made to 49 C.F.R. 40.91:

(A) In the first sentence, the phrase “§ 40.89” shall be deleted and replaced with “49 C.F.R. 40.89 as adopted by K.A.R. 82-4-3b.”

(B) Paragraph (e) shall be deleted and replaced by the following: “If a substance appears in a specimen which cannot be identified, complete testing of the specimen for drugs to the extent technically feasible.”

~~(31)~~(32) In 49 C.F.R. 40.99(b), the phrase “in accordance with HHS requirements” shall be deleted.

~~(32)~~(33) In 49 C.F.R. 40.101(b), the words “the Department regards as creating” shall be deleted and replaced by “create.”

~~(33)~~(34) The following revisions shall be made to 49 C.F.R. 40.103:

(A) In paragraphs (a) and (b), the term “DOT-covered” shall be deleted and replaced by “commission-regulated motor carrier.”

(B) In paragraph (c), the phrase “§ 40.93(b)” shall be deleted and replaced with “49 C.F.R. 40.93(b) as adopted by K.A.R. 82-4-3b.”

(C) In paragraph (c), the term “DOT” shall be deleted and replaced by “approved.”

~~(C)~~(D) ~~In paragraphs paragraph (c) and (e)(1),~~ the phrase “with a substance cited in HHS guidance” shall be deleted.

~~(34)~~(35) In 49 C.F.R. 40.105(c), the last two sentences shall be deleted.

~~(35)~~(36) The following revisions shall be made to 49 C.F.R. 40.107:

(A) The words “ODAPC, a DOT agency, or a DOT-regulated” shall be deleted and replaced by “a special agent or authorized representative or a commission-regulated.”

(B) The remaining term “DOT” shall be deleted and replaced by “approved.”

(37) In 49 C.F.R. 40.109(b), the phrase “§40.111” shall be deleted and replaced with “49 C.F.R. 40.111 as adopted by K.A.R. 82-4-3b.”

~~(36)~~(38) The following revisions shall be made to 49 C.F.R. 40.111:

(A) In paragraph (a), the phrase “as in effect on October 1, ~~2007~~ 2011, and hereby adopted by reference,” shall be added after the term “Appendix B to ~~this part~~ 49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (b), the phrase “a DOT agency” shall be deleted and replaced by “the commission.”

(C) In paragraph (c), the phrase “§§ 40.329 and 40.331” shall be deleted and replaced by “49 C.F.R. 40.329 and 40.331 as adopted by K.A.R. 82-4-3b.”

~~(37)~~(39) In 49 C.F.R. 40.113, the first sentence shall be deleted and replaced with “Other information concerning laboratories may be found in the following sections of 49 C.F.R. Part 40, as adopted by ~~this regulation~~ K.A.R. 82-4-3b.”

~~(38)~~(40) The following revisions shall be made to 49 C.F.R. 40.121:

(A) In the first paragraph, the term “DOT” shall be deleted and replaced by “approved.”

(B) The following revisions shall be made to paragraph (b)(3):

(i) The first instance of the phrase “the DOT MRO Guidelines, and the DOT agency regulations” shall be deleted and replaced by “K.A.R. 82-4-3c.”

(ii) The last sentence shall be deleted.

(C) In paragraph (C)(1)(iv), the term “DOT” shall be deleted and replaced by “approved.”

(D) Paragraph (c)(1)(vi) shall be deleted and replaced by “Provisions of this regulation and K.A.R. 82-4-3c, as well as issues that MROs confront in carrying out their duties under this regulation and K.A.R. 82-4-3c.”

~~(D)~~(E) In paragraph (c)(2), the term “DOT-mandated” shall be deleted and replaced by “approved.”

~~(E)~~(F) Paragraphs (c)(3), (c)(3)(i), (c)(3)(ii), and (c)(3)(iii), ~~and (d)(3)~~ shall be deleted.

~~(F)~~(G) In paragraph (e), the term “DOT agency” shall be deleted and replaced by “special agents and authorized.”

~~(39)~~(41) The following revisions shall be made to 49 C.F.R. 40.123:

(A) In paragraph (b)(1), the phrase “§§ 40.199 – 40.203” shall be deleted and replaced with “49 C.F.R. 40.199 through 40.203 as adopted by K.A.R. 82-4-3b.”

(B) The following revisions shall be made to paragraph (b)(3):

(i) The words “the ODAPC or a relevant DOT agency” shall be deleted and replaced by “the commission.”

(ii) The second occurrence of the term “DOT” shall be deleted.

(iii) The remaining occurrences of the term “DOT” shall be deleted and replaced by “the commission.”

~~(B)~~(D) In paragraph (e), the first parenthetical phrase shall be deleted.

~~(C)~~(E) In paragraph (h), the term “other DOT agency regulations” shall be deleted and replaced by “this regulation and K.A.R. 82-4-3c.”

(42) The following revisions shall be made to 49 C.F.R. 40.125:

(A) The term “Department” shall be deleted and replaced with “commission.”

(B) The phrase “§ 40.101(b)” shall be deleted and replaced with “49 C.F.R. 40.101(b) as adopted by K.A.R. 82-4-3b.”

~~(40)~~(43) The following revisions shall be made to 49 C.F.R. 40.127:

(A) In paragraph (a), the phrase “§§ 40.199 and 40.203” shall be deleted and replaced with “49 C.F.R. 40.199 and 40.203 as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (e), the words “place a check mark in the ‘Negative’ box (Step 6)” shall be deleted and replaced by “indicate whether the results were negative.”

(C) In paragraph (f), the phrase “§§ 40.163-40.167” shall be deleted and replaced with “49 C.F.R. 40.163 through 40.167 as adopted by K.A.R. 82-4-3b.”

~~(B)~~(D) In paragraph (g), the words “check the ‘Test Cancelled’ box (Step 6)” shall be deleted and replaced by “indicate that the test was cancelled.”

~~(C)~~(E) In paragraph (g)(4), the term “DOT agencies” shall be deleted and replaced by “the commission.”

~~(41)~~(44) The following revisions shall be made to 49 C.F.R. 40.129:

(A) The following revisions shall be made to paragraph (a):

(i) In paragraph (a)(1), the phrase “§§ 40.199 and 40.203” shall be deleted and replaced with “49 C.F.R. 40.199 and 40.203 as adopted by K.A.R. 82-4-3b.”

(ii) In paragraph (a)(4), the phrase “§ 40.133” shall be deleted and replaced with “49 C.F.R. 40.133 as adopted by K.A.R. 82-4-3b.”

(iii) In paragraph (a)(5), the phrase “§§ 40.135 through 40.145, 40.159, and 40.160” shall be deleted and replaced with “49 C.F.R. 40.135 through 40.145, 40.159, and 40.160 as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (c), the words “place a check mark in the ‘Positive’ box (Step 6)” shall be deleted and replaced by “indicate that the test was positive.”

~~(B)~~(C) In paragraph (d), the words “check the ‘test cancelled’ box (Step 6)” shall be deleted and replaced by “indicate that the test was cancelled.”

(D) In paragraph (e), the phrase “§§ 40.163-40.167” shall be deleted and replaced with “49 C.F.R. 40.163 through 40.167 as adopted by K.A.R. 82-4-3b.”

~~(C)~~(E) The following revisions shall be made to paragraph (f):

(i) The words “check the ‘refusal to test because:’ box (Step 6)” shall be deleted and replaced by “indicate that the test was refused because it was adulterated or substituted.”

(ii) The words “check the ‘Adulterated’ or ‘Substituted’ box, as appropriate” shall be deleted.

(F) In paragraphs (g), (g)(1), and (g)(2), the phrase “§ 40.21” shall be deleted and replaced with “49 C.F.R. 40.21 as adopted by K.A.R. 82-4-3b.”

(45) In 49 C.F.R. 40.131(d), the phrase “§ 40.133(a)(2)” shall be deleted and replaced with “49 C.F.R. 40.133(a)(2) as adopted by K.A.R. 82-4-3b.”

(46) The following changes shall be made to 49 C.F.R. 40.133:

(A) In paragraph (a), the phrase “§§ 40.135-40.145” shall be deleted and replaced with “49 C.F.R. 40.135 through 40.145 as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (b), the phrase “§ 40.159” shall be deleted and replaced with “49 C.F.R. 40.159 as adopted by K.A.R. 82-4-3b.”

(C) In paragraph (c), the phrase “§ 40.163” shall be deleted and replaced with “49 C.F.R. 40.163 as adopted by K.A.R. 82-4-3b” and the phrase “§ 40.159(a)(5)” shall be deleted and replaced with “49 C.F.R. 40.159(a)(5) as adopted by K.A.R. 82-4-3b.”

(47) The following revisions shall be made to 49 C.F.R. 40.135:

(A) In paragraph (d), the phrase “§ 40.327” shall be deleted and replaced by “49 C.F.R. 40.327 as adopted by K.A.R. 82-4-3b.”

(B) The following revisions shall be made to paragraph (d)(3):

(i) The phrase “§ 40.293(g)” shall be deleted and replaced with “49 C.F.R. 40.293(g) as adopted by K.A.R. 82-4-3b.”

(ii) The phrase “DOT, another Federal safety agency (e.g., the NTSB)” shall be deleted and replaced with “the commission, its special agent or authorized representative.”

(48) The following revisions shall be made to 49 C.F.R. 40.137:

(A) In paragraph (e)(2), the phrase “§ 40.151(f) and (g)” shall be deleted and replaced with “49 C.F.R. 40.151(f) and (g) as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (e)(4), the phrase “§ 40.327” shall be deleted and replaced with “49 C.F.R. 40.327 as adopted by K.A.R. 82-4-3b.”

(49) The following revisions shall be made to 40.139:

(A) In paragraph (a), the phrase “§ 40.137” shall be deleted and replaced with “49 C.F.R. 40.137 as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (b)(1)(iv), the phrase “§ 40.137(e)” shall be deleted and replaced with “49 C.F.R. 40.137(e) as adopted by K.A.R. 82-4-3b.”

(50) In 49 C.F.R. 40.140(d), the first instance of the term “ODAPC” shall be deleted and replaced with “commission,” and the second instance of the term “ODAPC” shall be deleted and replaced with “the commission.”

~~(42)~~(51) 49 C.F.R. 40.145 shall be revised as follows:

(A) In paragraph (b), the phrase “§§ 40.129-40.135, 40.141, 40.151” shall be deleted and replaced with “49 C.F.R. 40.129 through 40.135, 40.141, 40.151 as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (e)(2), the phrase “§ 40.93(b)” shall be deleted and replaced with “49 C.F.R. 40.93(b) as adopted by K.A.R. 82-4-3b.”

(C) In paragraph (g)(2)(ii)(A), the term “a DOT” shall be deleted and replaced by “an approved.”

~~(B)~~(D) In paragraph (g)(2)(ii)(B), the term “DOT agency regulation” shall be deleted and replaced by “commission statute, regulation, or order.”

~~(C)~~(E) In paragraph (g)(5), the term “ODAPC” shall be deleted and replaced by “the commission.”

(F) In paragraph (h)(1), (h)(1)(ii), (h)(2), and (h)(2)(ii), the phrase “§ 40.93(b)” shall be deleted and replaced with “49 C.F.R. 40.93(b) as adopted by K.A.R. 82-4-3b.”

(52) The following revisions shall be made to 49 C.F.R. 40.149:

(A) In paragraph (a)(1), the phrase “§ 40.133(d)” shall be deleted and replaced with “49 C.F.R. 40.133(d) as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (a)(4), the term “ODAPC” shall be deleted and replaced with “the commission.”

(C) In paragraph (b), the phrase “§§ 40.163-40.165” shall be deleted and replaced with “49 C.F.R. 40.163 through 40.165 as adopted by K.A.R. 82-4-3b.”

~~(43)~~(53) The following revisions shall be made to 49 C.F.R. 40.151:

(A) In paragraph (a), the term “DOT” shall be deleted.

(B) In paragraph (c), the phrase “DOT agency drug or alcohol regulation” shall be deleted and replaced by “this regulation or K.A.R. 82-4-8c.”

(C) In paragraph (e), a period shall be placed after the word “drug,” and the remainder of the paragraph shall be deleted.

(54) In 49 C.F.R. 40.153(d), the phrase “§ 40.173” shall be deleted and replaced with “49 C.F.R. 40.173 as adopted by K.A.R. 82-4-3b.”

(55) The following revisions shall be made to 49 C.F.R. 40.155:

~~(44)~~ (A) In ~~49 C.F.R. 40.155~~ paragraph (b), the words “check the ‘dilute’ box (Step 6)” shall be deleted and replaced by “indicate that the specimen is dilute.”

(B) In paragraph (c), the phrase “§ 40.197” shall be deleted and replaced with “49 C.F.R. 40.197 as adopted by K.A.R. 82-4-3b.”

(56) The following revisions shall be made to 49 C.F.R. 40.159:

(A) In paragraph (a)(1), the phrase “§§ 40.91(e) and 40.96(c)” shall be deleted and replaced with “49 C.F.R. 40.91(e) and 40.96(c) as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (a)(2), the phrase “§ 40.131” shall be deleted and replaced with “49 C.F.R. 40.131 as adopted by K.A.R. 82-4-3b.”

(C) In paragraph (a)(3), the phrase “§§ 40.135(d) and 40.327” shall be deleted and replaced with “49 C.F.R. 40.135(d) and 40.327 as adopted by K.A.R. 82-4-3b.”

(45)(D) In 49 C.F.R. 40.159 paragraphs (a)(4)(i) and (a)(5)(i), and 49 C.F.R. 40.161(a), the words “Place a check mark in the ‘Test Cancelled’ box (Step 6)” shall be deleted and replaced by “Indicate that the test was cancelled.”

(E) In paragraph (a)(4)(iii), the phrase “§40.160” shall be deleted and replaced with “49 C.F.R. 40.160 as adopted by K.A.R. 82-4-3b.”

(F) In paragraph (c), the phrase “§ 40.163” shall be deleted and replaced with “49 C.F.R. 40.163 as adopted by K.A.R. 82-4-3b.”

(G) In paragraph (e)(4), the phrase “§ 40.160” shall be deleted and replaced with “49 C.F.R. 40.160 as adopted by K.A.R. 82-4-3b.”

(57) In 49 C.F.R. 40.160(a), the phrase “§ 40.159 (a)(5)(iii) and (e)(4)” shall be deleted and replaced with “49 C.F.R. 40.159(a)(5)(iii) and (e)(4) as adopted by K.A.R. 82-4-3b.”

(58) In 49 C.F.R. 40.161(a), the words “Place a check mark in the ‘Test Cancelled’ box (Step 6)” shall be deleted and replaced by “Indicate that the test was cancelled.”

(59) In 49 C.F.R. 40.162(c), the phrase “§ 40.159(f)” shall be deleted and replaced with “49 C.F.R. 40.159(f) as adopted by K.A.R. 82-4-3b.”

(60) The following revisions shall be made to 49 C.F.R. 40.163:

(46)(A) In 49 C.F.R. 40.163 paragraph (e), the term “DOT” shall be deleted and replaced by “special agent or authorized.”

(B) In paragraph (g), the phrase “§ 40.293(g)” shall be deleted and replaced with “49 C.F.R. 40.293(g) as adopted by K.A.R. 82-4-3b.”

(61) In 49 C.F.R. 40.165, the phrase “§ 40.345” shall be deleted and replaced with “49 C.F.R. 40.345 as adopted by K.A.R. 82-4-3b” in both instances.

(62) The following revisions shall be made to 49 C.F.R. 40.167:

(A) In paragraph (b)(1), the phrase “§ 40.163” shall be deleted and replaced with “49 C.F.R. 40.163 as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (c)(1), the phrase “§ 40.163(b) and (c)” shall be deleted and replaced with “49 C.F.R. 40.163(b) and (c) as adopted by K.A.R. 82-4-3b.”

(C) In paragraph (e), the phrase “§ 40.149(c)” shall be deleted and replaced with “49 C.F.R. 40.149(c) as adopted by K.A.R. 82-4-3b.”

(47)(63) In 49 C.F.R. 40.169, the first sentence shall be deleted and replaced with “Other information concerning the role of MROs and the verification process can be found in the following sections of 49 C.F.R. Part 40, as adopted by this regulation:”.

(64) In 49 C.F.R. 40.173(a), the phrase “§§ 40.175-40.185” shall be deleted and replaced with “49 C.F.R. 40.175 through 40.185 as adopted by K.A.R. 82-4-3b.”

(65) In 49 C.F.R. 40.175(c), the phrase “§ 40.83” shall be deleted and replaced with “49 C.F.R. 40.83 as adopted by K.A.R. 82-4-3b.”

(66) The following revisions shall be made to 49 C.F.R. 40.177:

(A) In paragraph (b), the phrase “§ 40.87” shall be deleted and replaced with “49 C.F.R. 40.87 as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (c), the phrase “§ 40.91” shall be deleted and replaced with “49 C.F.R. 40.91 as adopted by K.A.R. 82-4-3b.”

(67) In 49 C.F.R. 40.179(a), the phrase “§ 40.95” shall be deleted and replaced with “49 C.F.R. 40.95 as adopted by K.A.R. 82-4-3b.”

(68) In 49 C.F.R. 40.181, the phrase “§ 40.93(b)” shall be deleted and replaced with “49 C.F.R. 40.93(b) as adopted by K.A.R. 82-4-3b.”

~~(48)(69)~~ The following revisions shall be made to In 49 C.F.R. 40.183(a):

~~(A)~~ In paragraph (a), the words “checking the ‘Reconfirmed’ box or the ‘Failed to Reconfirm’ box (Step 5(b))” shall be deleted and replaced by “indicating whether the test was reconfirmed.”

~~(B)~~ The following revisions shall be made to paragraph (b):

~~(i)~~ The words “check the ‘Failed to Reconfirm’ box” shall be deleted and replaced by “indicate that the attempt to reconfirm failed.”

~~(ii)~~ The term “(Step 5(b))” shall be deleted.

~~(49)(70)~~ The following revisions shall be made to 49 C.F.R. 40.187:

(A) The following revisions shall be made to paragraphs (b)(2)(1), (c)(2)(1)(iii), (c)(2)(iii), ~~(d)(3)~~, and (e)(3), and ~~(f)(3)~~:

(i) The phrase “Appendix D to this part” shall be deleted and replaced by “paragraph ~~(i)~~(g).”

(ii) The term “ODAPC” shall be deleted and replaced by “commission.”

(B) In paragraph (c)(2)(ii), the phrase “§ 40.145” shall be deleted and replaced with “49 C.F.R. 40.145 as adopted by K.A.R. 82-4-3b.”

(C) In paragraph (c)(2)(iv)(B), the phrase “§§ 40.153, 40.171, 40.173, 40.179, 40.181, and 40.185” shall be deleted and replaced with “49 C.F.R. 40.153, 40.171, 40.173, 40.179, 40.181, and 40.185 as adopted by K.A.R. 82-4-3b.”

(D) In paragraph (g), the words “sign and date (Step 7) of” shall be deleted and replaced by “signature and date on.” In paragraph (f)(3), the phrase “§ 40.163” shall be deleted and replaced with “49 C.F.R. 40.163 as adopted by K.A.R. 82-4-3b,” and the phrase “§ 40.167” shall be deleted and replaced with “49 C.F.R. 40.167 as adopted by K.A.R. 82-4-3b.”

~~(C)~~(E) The following paragraph shall be added after paragraph ~~(h)~~ (f)(3):

~~(i)~~(g) When there is a failure to reconfirm, the MRO shall inform the commission by telefacsimile to (785) 271-3283, or by mail to the transportation division, Kansas corporation commission, 1500 S.W. Arrowhead Road, Topeka, KS 66604. The following format shall be used to provide the information to the commission:

- “(1) MRO name, address, phone number, and telefacsimile number;
- “(2) collection site name, address, and phone number;
- “(3) date of collection;
- “(4) specimen identification number;
- “(5) laboratory accession number;
- “(6) primary specimen laboratory name, address, and telephone number;
- “(7) date result reported or certified by primary laboratory;
- “(8) split specimen laboratory name, address, and telephone number;
- “(9) date split specimen result reported or certified by split specimen laboratory;
- “(10) primary specimen results for the primary specimen;

- “(11) reason for split specimen failure-to-reconfirm result;
- “(12) actions taken by the MRO;
- “(13) additional information explaining the reason for cancellation; and
- “(14) name of individual submitting the report, if not the MRO.”

~~(50)(71)~~ In 49 C.F.R. 40.189, the first sentence shall be deleted and replaced with “Other information concerning split specimens can be found in the following sections of 49 C.F.R. Part 40, as adopted by this regulation.”.

~~(54)(72)~~ The following revisions shall be made to 49 C.F.R. 40.191:

(A) The following revisions shall be made to paragraph (a):

(i) In paragraph (a)(1), the phrase “§ 40.61(a)” shall be deleted and replaced with “49 C.F.R. 40.61(a) as adopted by K.A.R. 82-4-3b.”

(ii) In paragraph (a)(2), the phrase “§ 40.63(c)” shall be deleted and replaced with “49 C.F.R. 40.63(c) as adopted by K.A.R. 82-4-3b.”

(iii) In paragraph (a)(3), the phrase “§ 40.63(c)” shall be deleted and replaced with “49 C.F.R. 40.63(c) as adopted by K.A.R. 82-4-3b.”

(iv) In paragraph (a)(4), the phrase “§§ 40.67(l) and 40.69(g)” shall be deleted and replaced with “49 C.F.R. 40.67(l) and 40.69(g) as adopted by K.A.R. 82-4-3b.”

(v) In paragraph (a)(5), the phrase “§ 40.193(d)(2)” shall be deleted and replaced with “49 C.F.R. 40.193(d)(2) as adopted by K.A.R. 82-4-3b.”

(vi) In paragraph (a)(6), the phrase “§ 40.197(b)” shall be deleted and replaced with “49 C.F.R. 40.197(b) as adopted by K.A.R. 82-4-3b.”

(vii) In paragraph (a)(7), the phrase “§ 40.193(d)” shall be deleted and replaced with “49 C.F.R. 40.193(d) as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (d)(1), the term “(Step 2)” shall be deleted.

~~(B)~~(C) In paragraph (d)(2), the words “checking the ‘refused to test because’ box (Step 6)” shall be deleted and replaced by “indicating that the test was refused.”

~~(52)~~(73) The following revisions shall be made to 49 C.F.R. 40.193:

(A) In paragraph (b)(1), the phrase “§ 40.65(b) and (c)” shall be deleted and replaced with “49 C.F.R. 40.65(b) and (c) as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (b)(2), (b)(3), and (b)(4), the term “(Step 2)” shall be deleted.

~~(B)~~(C) In paragraph (d)(1)(i), the words “Check ‘Test Cancelled’ (Step 6)” shall be deleted and replaced by “Indicate that the test was cancelled.”

~~(C)~~(D) In Paragraph (d)(2)(i), the words “Check ‘Refusal to test because’ (Step 6)” shall be deleted and replaced by “Indicate that the test was refused and note the reason.”

(E) In paragraph (g), the phrase “§40.195” shall be deleted and replaced with “49 C.F.R. 40.195 as adopted by K.A.R. 82-4-3b.”

(74) The following revisions shall be made to 49 C.F.R. 40.195:

(A) In paragraph (a)(1), the phrase “§ 40.193(d)” shall be deleted and replaced with “49 C.F.R. 40.193(d) as adopted by K.A.R. 82-4-3b.”

~~(53)~~(B) In ~~49 C.F.R. 40.195~~ paragraph (b)(1), the words “Check ‘Negative’ (Step 6)” shall be deleted and replaced by “Indicate that the results are negative.”

(C) In paragraphs (b) and (c), the phrase “§ 40.193(d)” shall be deleted and replaced with “49 C.F.R. 40.193(d) as adopted by K.A.R. 82-4-3b.”

(75) The following revisions shall be made to 49 C.F.R. 40.197:

(A) In paragraph (b)(1), the phrase “§ 40.155(c)” shall be deleted and replaced with “49 C.F.R. 40.155(c) as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (b)(2)(i), the phrase “§ 40.67(b) and (c)” shall be deleted and replaced with “49 C.F.R. 40.67(b) and (c) as adopted by K.A.R. 82-4-3b.”

(C) In paragraph (c)(5), the phrase “DOT agency” shall be deleted and replaced with “commission.”

(76) The following revisions shall be made to 49 C.F.R. 40.199:

(A) In paragraph (a), the phrase “§ 40.83” shall be deleted and replaced with “40 C.F.R. 40.83 as adopted by K.A.R. 82-4-3b.”

(B) In paragraphs (b)(3) and (b)(4), the phrase “§ 40.83(g)” shall be deleted and replaced with “49 C.F.R. 40.83(g) as adopted by K.A.R. 82-4-3b.”

(C) In paragraph (c), the phrase “§ 40.161” shall be deleted and replaced with “49 C.F.R. 40.161 as adopted by K.A.R. 82-4-3b.”

(77) The following revisions shall be made to 49 C.F.R. 40.201:

(A) In paragraph (a), the phrase “§ 40.159” shall be deleted and replaced with “49 C.F.R. 40.159 as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (b), the phrase “§ 40.161” shall be deleted and replaced with “49 C.F.R. 40.161 as adopted by K.A.R. 82-4-3b.”

(C) In paragraph (c), the phrase “§ 40.187(b)” shall be deleted and replaced with “49 C.F.R. 40.187(b) as adopted by K.A.R. 82-4-3b.”

(D) In paragraph (d), the phrase “§ 40.187(c)(1)” shall be deleted and replaced with “49 C.F.R. 40.187(c)(1) as adopted by K.A.R. 84-2-3b.”

(E) In paragraph (e), the phrase “§ 40.187(e)” shall be deleted and replaced with “49 C.F.R. 40.187(e) as adopted by K.A.R. 82-4-3b.”

(F) In paragraph (f), the phrase “§ 40.193(d)(1)” shall be deleted and replaced with “49 C.F.R. 40.193(d)(1) as adopted by K.A.R. 82-4-3b.”

~~(54)~~(78) The following revisions shall be made to 49 C.F.R. 40.203~~(d)(3)~~:

(A) In paragraph (a), the phrase “§ 40.83” shall be deleted and replaced with “49 C.F.R. 40.83 as adopted by K.A.R. 82-4-3b.”

(B) The following revisions shall be made to paragraph (d)(3):

(i) The words “a non-Federal form or an expired Federal” shall be deleted and replaced by “an unapproved.”

(ii) The phrase “§ 40.205(b)(2)” shall be deleted and replaced with “49 C.F.R. 40.205(b)(2) as adopted by K.A.R. 82-4-3b.”

~~(B)~~(iii) The last two sentences shall be deleted.

~~(55)~~(79) The following revisions shall be made to 49 C.F.R. 40.205(b)~~(2)~~:

(A) In the first paragraph, the phrase “§ 40.203” shall be deleted and replaced with “49 C.F.R. 40.203 as adopted by K.A.R. 82-4-3b.”

(B) The following revisions shall be made to paragraph (b)(2):

(i) In the first sentence, the words “a non-Federal form or an expired Federal” shall be deleted and replaced by “an unapproved.”

~~(B)~~(ii) The first instance of the term “DOT” shall be deleted and replaced by “commission.”

~~(C)~~(iii) In the third sentence, the words “non-Federal forms or expired Federal” shall be deleted and replaced by “unapproved.”

~~(D)~~(iv) The second instance of the term “DOT” shall be deleted and replaced by “approved.”

~~(56)~~(80) The following revisions shall be made to 49 C.F.R. 40.207:

(A) In paragraphs (a)(1) and (b), the term “DOT” shall be deleted and replaced by “commission.”

(B) In paragraph (a)(3), the phrase “§§ 40.159(a)(5) and 40.187(b)(2), (c)(1), and (e)” shall be deleted and replaced with “49 C.F.R. 40.159(a)(5) and 40.187(b)(2), (c)(1), and (e) as adopted by K.A.R. 82-4-3b.”

(C) The following revisions shall be made to paragraph (c):

(i) The term “DOT” shall be deleted and replaced by “approved.”

(ii) The term “a non-DOT” shall be deleted and replaced by “an unapproved.”

~~(57)~~(81) The following revisions shall be made to 49 C.F.R. 40.208:

(A) The following revisions shall be made to paragraph (a):

(i) The term “DOT” shall be deleted and replaced by “commission.”

(ii) The word “checked” shall be deleted and replaced by “noted.”

(B) Paragraph (c) shall be deleted.

(82) The following revisions shall be made to 49 C.F.R. 40.209:

(A) In paragraph (b)(3), the phrase “§ 40.33” shall be deleted and replaced with “49 C.F.R. 40.33 as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (b)(4), the phrase “§ 40.61(a)” shall be deleted and replaced with “49 C.F.R. 40.61(a) as adopted by K.A.R. 82-4-3b.”

(C) In paragraph (b)(5), the phrase “§ 40.121(a) through (b)” shall be deleted and replaced with “49 C.F.R. 40.121(a) through (b) as adopted by K.A.R. 82-4-3b,” and the phrase “§ 40.121(c) through (e)” shall be deleted and replaced with “49 C.F.R. 40.121(c) through (e) as adopted by K.A.R. 82-4-3b.”

(D) In paragraph (b)(7), the phrase “§ 40.41” shall be deleted and replaced with “49 C.F.R. 40.41 as adopted by K.A.R. 82-4-3b.”

(E) In paragraph (c), the phrase “DOT agency regulations or action under Subpart R of this part” shall be deleted and replaced with “commission regulation.”

(83) The following revisions shall be made to 49 C.F.R. 40.211:

(A) The following revisions shall be made to paragraph (a):

(i) The words “this subpart” shall be deleted and replaced with “subpart J of 49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b.”

(ii) The term “DOT” shall be deleted and replaced with “approved.”

(B) In paragraph (c), the phrase “DOT agency regulations” shall be deleted and replaced with “this regulation and K.A.R. 82-4-3c.”

~~(58)~~(84) The following revisions shall be made to 49 C.F.R. 40.213:

(A) In the first paragraph, the term “DOT” shall be deleted and replaced by “commission.”

(B) In paragraph (a), the words “and the current DOT guidance” and the last sentence of the paragraph shall be deleted.

(C) Paragraph (b)(1) shall be deleted.

(D) In paragraph (b)(4), the term “DOT” shall be deleted and replaced by “commission.”

(E) Paragraphs (d), (d)(1), (d)(2), and (e) shall be deleted and replaced by the following:
“All BAT’s and STT’s shall, no less frequently than every five years from the date on which they met the requirements of paragraphs (b) and (c), complete refresher training which meets the requirements of paragraphs (b) and (c).”

~~(E)~~(F) In paragraph (g), the phrase “DOT agency” shall be deleted and replaced by “special agent and authorized.”

~~(F)~~(G) In paragraph (h)(2), the term “DOT” shall be deleted and replaced by “commission.”

~~(59)~~(85) In 49 C.F.R. 40.217, the first sentence shall be deleted and replaced with
“Other information on the role of STTs and BATs can be found in the following sections of 49 C.F.R. Part 40, as adopted by this regulation:”.

(86) The following revisions shall be made to 49 C.F.R. 40.221:

~~(60)~~(A) In ~~49 C.F.R. 221~~ paragraph (a), the term “DOT” shall be deleted and replaced by
“commission.”

(B) In paragraph (b), the phrase “§ 40.223” shall be deleted and replaced with “49 C.F.R. 40.223 as adopted by K.A.R. 82-4-3b.”

~~(61)~~(87) In ~~49 C.F.R. 40.223(a) and (b)~~, the phrase “DOT agency” shall be deleted and replaced by “special agent or authorized.” The following revisions shall be made to 49 C.F.R. 40.223:

(A) In paragraphs (a)(1) and (b), the phrase “DOT agency” shall be deleted and replaced by “special agent or authorized.”

(B) In paragraph (b), the phrase “§§ 40.241-40.255” shall be deleted and replaced with “49 C.F.R. 40.241 through 40.255 as adopted by K.A.R. 82-4-3b.”

~~(62)~~(88) The following revisions shall be made to 49 C.F.R. 40.225:

(A) Paragraph (a) shall be deleted and replaced by the following:

“(a)(1) A commission-approved alcohol testing form (‘ATF’) shall be used for every approved alcohol test. There shall be three copies of the ATF form. Each form shall be labeled as follows:

“(A) ‘Copy 1 – Original – Forward to the Employer’;

“(B) ‘Copy 2 – Employee Retains’; and

“(C) ‘Copy 3 – Alcohol Technician Retains.’

“(2) All three copies of the ATF form shall contain the following information:

“(A) The top of the form shall be referred to as ‘step 1’ and shall consist of information completed by the alcohol technician, and shall include:

“(i) The employee’s name;

“(ii) the employee’s social security number or employee identification number;

“(iii) the employer’s name and address;

“(iv) the DER’s name and telephone number; and

“(v) whether the test is being done at random, for reasonable suspicion, post-accident, for return to duty, as a follow-up, or for pre-employment.

“(B) The second part of the form shall be referred to as ‘step 2’ and shall be a dated certification signed by the employee that he or she is about to submit to alcohol testing and that the identifying information on the form is true and correct.

“(C) The third part of the form shall be referred to as ‘step 3’ and shall consist of information completed by the alcohol technician, including:

“(i) A signed and dated certification that the alcohol technician conducted the alcohol testing on the named employee in compliance with the alcohol testing regulations, that the alcohol technician is certified to conduct such testing, and that the results were properly recorded;

“(ii) an indication of whether the technician is a BAT or STT;

“(iii) an indication of whether a saliva or breath device was used to conduct the test;

“(iv) an indication of whether there was a 15-minute wait;

“(v) the test number;

“(vi) the testing device name;

“(vii) the testing device lot number and expiration date, or serial number;

“(viii) the testing device activation time;

“(ix) the time the testing device was read;

“(x) the result indicated by the testing device;

“(xi) the results of any confirmation test;

“(xii) any additional remarks;

“(xiii) the alcohol technician’s company name, address, and telephone number;

“(xiv) the alcohol technician’s printed name;

“(xv) the date the alcohol technician signed the form.

“(D) The fourth part of the form shall be referred to as ‘step 4’ and shall be a signed and dated certification completed by the employee if the test result is 0.02 or higher. The certification shall state that the employee submitted to the alcohol test, and that the test results are accurately recorded on the form. The certification shall further state that the employee understands he or she

shall not drive, perform safety-sensitive duties, or operate heavy equipment because the alcohol test result is 0.02 or higher.”

(B) In paragraph (b), the term “DOT” shall be deleted and replaced by “approved.”

(C) Paragraph (c) shall be deleted.

~~(63)~~(89) The following revisions shall be made to 49 C.F.R. 40.227:

(A) In paragraph (a), the term “non-DOT” shall be deleted and replaced by “unapproved.”

(B) The term “DOT” as it appears in the first instance in paragraph (a) shall be deleted and replaced by “approved.”

(C) In paragraph (a), the last sentence shall be deleted.

(D) In paragraph (b), the term “a non-DOT” shall be deleted and replaced by “an unapproved.”

(E) In paragraph (b), the term “a DOT” shall be deleted and replaced by “an approved.”

(F) In paragraph (b), the phrase “§ 40.271(b)” shall be deleted and replaced with “49 C.F.R. 40.271(b) as adopted by K.A.R. 82-4-3b.”

~~(64)~~(90) The following changes shall be made to 49 C.F.R. 40.229:

(A) The phrase “adopted in this regulation” shall be added after “conforming products lists (CPL).”

(B) The term “DOT” shall be deleted and replaced by “approved.”

~~(65)~~(91) In 49 C.F.R. 40.231(a), the last sentence shall be deleted.

~~(66)~~(92) The following revisions shall be made to 49 C.F.R. 40.233:

(A) Paragraphs (a), (a)(1), ~~and (a)(2), and (b)~~ shall be deleted.

(B) The following changes shall be made to paragraph (c):

~~(4)(i)~~ In paragraph (c)(2), the words “as in effect on ~~August 13, 1997~~ October 22, 2012, and appearing in Volume ~~62~~ 77 of the ~~Code of Federal Regulations~~ Federal Register, beginning at page ~~43425~~ 64588, and hereby adopted by reference” shall be added after the phrase ““Calibrating Units for Breath Alcohol Tests.””

~~(2)(ii)~~ In paragraph (c)(3), the term “DOT” shall be deleted and replaced by “approved.”

~~(iii)~~ In paragraph (c)(4), the term “§ 40.333(a)(2)” shall be deleted and replaced with “49 C.F.R. 40.333(a)(2) as adopted by K.A.R. 82-4-3b.”

~~(93)~~ The following revisions shall be made to 49 C.F.R. 40.235:

~~(A)~~ Paragraphs (a), (b) and (c) shall be deleted.

~~(B)~~ In paragraph (e), the phrase “§40.233” shall be deleted and replaced with “49 C.F.R. 40.233 as adopted by K.A.R. 82-4-3b.”

~~(67)(94)~~ In 49 C.F.R. 40.241(b)(1), the phrase “a DOT” shall be deleted and replaced by “an approved.”

~~(95)~~ The following revisions shall be made to 49 C.F.R. 40.247:

~~(A)~~ In paragraph (a)(2), the phrase “§ 40.255” shall be deleted and replaced with “49 C.F.R. 40.255 as adopted by K.A.R. 82-4-3b.”

~~(B)~~ In paragraph (b)(1), the phrase “§ 40.251” shall be deleted and replaced with “49 C.F.R. 40.251 as adopted by K.A.R. 82-4-3b.”

~~(C)~~ In paragraph (b)(3)(ii), the phrase “§ 40.251(a)” shall be deleted and replaced with “49 C.F.R. 40.251(a) as adopted by K.A.R. 82-4-3b.”

~~(D)~~ In paragraph (c), the phrase “§ 40.271” shall be deleted and replaced with “49 C.F.R. 40.271 as adopted by K.A.R. 82-4-3b.”

(96) The following revisions shall be made to 49 C.F.R. 40.251:

(A) In paragraph (a)(1)(i), the phrase “§ 40.247(b)(3)” shall be deleted and replaced with “49 C.F.R. 40.247(b)(3) as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (e), the phrase “§40.253” shall be deleted and replaced with “49 C.F.R. 40.253 as adopted by K.A.R. 82-4-3b.”

~~(68)(C)~~ In 49 C.F.R. 40.251 paragraph (g), the phrase “DOT agency” shall be deleted and replaced by “commission.”

(97) In 49 C.F.R. 40.255(a)(4), the phrase “§ 40.271” shall be deleted and replaced with “49 C.F.R. 40.271 as adopted by K.A.R. 82-4-3b.”

~~(69)~~(98) The following revisions shall be made to 49 C.F.R. 40.261:

(A) In paragraphs (a)(1), (a)(3), and (b), the phrase “DOT agency” shall be deleted and replaced by “commission.” The following revisions shall be made to paragraph (a):

(i) In paragraph (a)(1), the phrase “DOT agency” shall be deleted and replaced by “commission,” and the phrase “§ 40.241(a)” shall be deleted and replaced with “49 C.F.R. 40.241(a) as adopted by K.A.R. 82-4-3b.”

(ii) In paragraphs (a)(2) and (a)(3), the phrase “§ 40.243(a)” shall be deleted and replaced with “49 C.F.R. 40.243(a) as adopted by K.A.R. 82-4-3b.”

(iii) In paragraph (a)(3), the phrase “DOT agency” shall be deleted and replaced by “commission.”

(iv) In paragraphs (a)(4) and (a)(5), the phrase “§ 40.265(c)” shall be deleted and replaced with “49 C.F.R. 40.265(c) as adopted by K.A.R. 82-4-3b.”

(v) In paragraph (a)(6), the phrase “§§ 40.241(g) and 40.251(d)” shall be deleted and replaced with “49 C.F.R. 40.241(g) and 40.251(d) as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (b), the phrase “DOT agency” shall be deleted and replaced by “commission.”

~~(B)~~(C) The following changes shall be made to paragraph (d):

~~(4)~~(i) The phrase “a non-DOT” shall be deleted and replaced by “an unapproved.”

~~(2)~~(ii) The phrase “DOT agency” shall be deleted and replaced by “commission.”

~~(3)~~(iii) The phrase “a DOT” shall be deleted and replaced by “an approved.”

~~(70)~~(99) The following revisions shall be made to 49 C.F.R. 40.265:

(A) In paragraph (c)(1)(i), the term “DOT” shall be deleted and replaced by “commission.”

(B) In paragraph (c)(1)(ii), the phrase “of the appropriate DOT agency regulation” shall be deleted and replaced by “of the applicable commission statutes, regulations, and orders.”

(100) The following revisions shall be made to 49 C.F.R. 40.267:

(A) The following revisions shall be made to paragraph (a)(1):

(i) The phrase “this Part” shall be deleted and replaced with “49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b.”

(ii) The phrase “§ 40.245(a)(8)” shall be deleted and replaced with “49 C.F.R. 40.245(a)(8) as adopted by K.A.R. 82-4-3b.”

(iii) The phrase “§ 40.245(b)(8)” shall be deleted and replaced with “49 C.F.R. 40.245(b)(8) as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (a)(2), the phrase “§ 40.245(a)(7)” shall be deleted and replaced with “49 C.F.R. 40.245(a)(7) as adopted by K.A.R. 82-4-3b.”

(C) In paragraph (a)(3), the phrase “§ 40.245(a)(1)” shall be deleted and replaced with “49 C.F.R. 40.245(a)(1) as adopted by K.A.R. 82-4-3b,” and the phrase “§ 40.245(b)(1)” shall be deleted and replaced with “49 C.F.R. 40.145(b)(1) as adopted by K.A.R. 82-4-3b.”

(D) In paragraph (a)(4), the phrase “§ 40.245(b)(1)” shall be deleted and replaced with “49 C.F.R. 40.245(a)(1) as adopted by K.A.R. 82-4-3b.”

(E) In paragraph (b), the phrase “§ 40.253(c), (e) and (f)” shall be deleted and replaced with “49 C.F.R. 40.253(c), (e) and (f) as adopted by K.A.R. 82-4-3b.”

(F) In paragraph (c)(1), the phrase “§ 40.251(a)(1)” shall be deleted and replaced with “49 C.F.R. 40.251(a)(1) as adopted by K.A.R. 82-4-3b.”

(G) In paragraph (c)(2), the phrase “§ 40.253(a)” shall be deleted and replaced with “49 C.F.R. 40.253(a) as adopted by K.A.R. 82-4-3b.”

(H) In paragraph (c)(3), the phrase “§ 40.253(a)(1) and (2)” shall be deleted and replaced with “49 C.F.R. 40.253(a)(1) and (2) as adopted by K.A.R. 82-4-3b.”

(I) In paragraph (c)(4), the phrase “§ 40.253(f)” shall be deleted and replaced with “49 C.F.R. 40.253(f) as adopted by K.A.R. 82-4-3b.”

(J) In paragraph (c)(5), the phrase “§ 40.233(a)(1) and (c)(3)” shall be deleted and replaced with “49 C.F.R. 40.233(a)(1) and (c)(3) as adopted by K.A.R. 82-4-3b.”

(101) The following revisions shall be made to 49 C.F.R. 40.269:

(A) In paragraph (a), the phrase “§§ 40.247(a)(1) and 40.255(a)(1)” shall be deleted and replaced with “49 C.F.R. 40.247(a)(1) and 40.255(a)(1) as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (b), the phrase “§ 40.255(a)(3)” shall be deleted and replaced with “49 C.F.R. 40.255(a)(3) as adopted by K.A.R. 82-4-3b.”

(71)(C) In 49 C.F.R. 40.269 paragraph (c), the term “a non-DOT” shall be deleted and replaced by “an unapproved.” and the phrase “§ 40.225(a)” shall be deleted and replaced with “49 C.F.R. 40.255(a) as adopted by K.A.R. 82-4-3b.”

(72)(102) The following revisions shall be made to 49 C.F.R. 40.271 (b)(2):

(A) In paragraph (a)(1), the phrase “§ 40.267” shall be deleted and replaced with “49 C.F.R. 40.267 as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (a)(2), the phrase “§ 40.213(c)” shall be deleted and replaced with “49 C.F.R. 40.213(c) as adopted by K.A.R. 82-4-3b.”

(C) In paragraph (b), the phrase “§ 40.269” shall be deleted and replaced with “49 C.F.R. 40.269 as adopted by K.A.R. 82-4-3b.”

(D) The following revisions shall be made to paragraph (b)(2):

(i) The term “a non-DOT” shall be deleted and replaced by “an unapproved.”

(B)(ii) The phrase “a valid DOT” shall be deleted and replaced by “an approved.”

(C)(iii) The remaining term “non-DOT” shall be deleted and replaced by “unapproved.”

(D)(iv) The remaining term “DOT” shall be deleted and replaced by “approved.”

(73)(103) The following revisions shall be made to 49 C.F.R. 40.273:

(A) In paragraph (a)(3), the phrase “this part” shall be deleted and replaced with “49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (b), the term “DOT” shall be deleted and replaced by “commission.”

(B)(C) The following revisions shall be made to paragraph (d):

(i) The term “DOT” shall be deleted and replaced by “approved.”

(ii) The words “a non-DOT” shall be deleted and replaced by “an unapproved.”

~~(74)~~(104) In ~~paragraph~~ 49 C.F.R. 40.275~~(c)~~, the phrase “DOT agency” shall be deleted and replaced by “commission.”

(105) In 49 C.F.R. 40.277, the phrase “this part” shall be deleted and replaced with “49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b.”

~~(75)~~(106) The following revisions shall be made to 49 C.F.R. 40.281:

(A) In the first sentence, the term “DOT” shall be deleted and replaced by “commission.”

(B) The following revisions shall be made to paragraph (b)(3):

(i) The term “DOT agency” shall be deleted and replaced by “commission.”

(ii) The words “and the DOT SAP guidelines” shall be deleted.

(iii) The last sentence shall be deleted.

(C) In paragraph (c)(1)(i), the word “Department” shall be deleted and replaced with “commission.”

(D) The following changes shall be made to paragraph (c)(1)(ii):

(i) The phrase “as adopted by K.A.R. 82-4-3b” shall be inserted after “49 C.F.R. Part 40.”

(ii) The phrase “DOT agency” shall be deleted and replaced by “commission.”

~~(D)~~(E) In paragraphs (c)(1)(iii) and (c)(1)(iv), the term “DOT” shall be deleted and replaced by “commission.”

~~(E)~~(F) Paragraphs (c)(3), (c)(3)(i), (c)(3)(ii), and (c)(3)(iii) shall be deleted.

~~(F)~~(G) In paragraph (d)(1), the term “DOT” shall be deleted and replaced by “commission drug and alcohol testing.”

~~(G)~~(H) In paragraph (e), the phrase “DOT agency” shall be deleted and replaced by “special agent and authorized.”

~~(76)~~(107) 49 C.F.R. 40.283 shall be deleted.

~~(77)~~(108) The following revisions shall be made to 49 C.F.R. 40.285:

(A) The following revisions shall be made to paragraph (a):

- (i) The term “DOT” shall be deleted and replaced by “commission.”
- (ii) The term “DOT agency” shall be deleted and replaced by “commission.”

(B) The following revisions shall be made to paragraph (b):

- (i) The first instance of the term “DOT” shall be deleted.
- (ii) The words “a DOT” shall be deleted and replaced by “an approved.”
- (iii) The words “DOT agency” shall be deleted and replaced by “commission.”
- (iv) The last instance of the term “DOT” shall be deleted and replaced by “commission.”

~~(78)~~(109) In 49 C.F.R. 40.287, the term “DOT” shall be deleted and replaced by “commission.”

(110) The following revisions shall be made to 49 C.F.R. 40.289:

~~(79)~~(A) In ~~49 C.F.R. 40.289~~ paragraphs (a) and (b), the term “DOT” shall be deleted and replaced by “commission.”

(B) In paragraph (b), the phrase “§ 40.281” shall be deleted and replaced with “49 C.F.R. 40.281 as adopted by K.A.R. 82-4-3b.”

~~(80)~~(111) In ~~49 C.F.R. 40.293~~, the term “DOT” in the first paragraph and paragraphs (b), (b)(1), (f), and (f)(2) shall be deleted and replaced by “commission.” The following revisions shall be made to 49 C.F.R. 40.293:

(A) In the first paragraph and in paragraphs (b) and (b)(1), the term “DOT” shall be deleted and replaced with “commission.”

(B) In paragraph (e), the phrase “§ 40.311(c)” shall be deleted and replaced with “49 C.F.R. 40.311(c) as adopted by K.A.R. 82-4-3b.”

(C) In paragraphs (f) and (f)(2), the term “DOT” shall be deleted and replaced with “commission.”

~~(81)~~(112) In 49 C.F.R. 40.295(a), the term “DOT” shall be deleted and replaced by “commission.”

(113) The following revisions shall be made to 49 C.F.R. 40.301:

(A) In paragraph (a), the phrase “§ 40.293” shall be deleted and replaced with “49 C.F.R. 40.293 as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (c)(1), the phrase “§ 40.311(d)” shall be deleted and replaced with “49 C.F.R. 40.311(d) as adopted by K.A.R. 82-4-3b.”

(C) In paragraph (d)(1), the phrase “§ 40.311(e)” shall be deleted and replaced with “49 C.F.R. 40.311(e) as adopted by K.A.R. 82-4-3b.”

(114) The following revisions shall be made to 49 C.F.R. 40.303:

(A) In paragraph (a), the phrase “§ 40.311(d)(10)” shall be deleted and replaced with “49 C.F.R. 40.311(d)(10) as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (b), the phrase “§ 40.309” shall be deleted and replaced with “49 C.F.R. 40.309 as adopted by K.A.R. 82-4-3b.”

~~(82)~~(115) In 49 C.F.R. 40.305(c), the term “DOT agency” shall be deleted and replaced by “commission.”

~~(83)~~(116) The following revisions shall be made to 49 C.F.R. 40.307:

(A) In paragraph (a), the term “DOT” shall be deleted and replaced by “commission.”

(B) In paragraph (b), the phrase “§ 40.311(d)(9)” shall be deleted and replaced with “49 C.F.R. 40.311(d)(9) as adopted by K.A.R. 82-4-3b.”

(C) In paragraph (c), the term “DOT agency” shall be deleted and replaced by “commission.”

~~(84)~~(117) The following revisions shall be made to 49 C.F.R. 40.311:

(A) In paragraph (a), the phrase “§ 40.355(e)” shall be deleted and replaced with “49 C.F.R. 40.355(e) as adopted by K.A.R. 82-4-3b.”

(B) In paragraphs (c)(3), (d)(3), and (e)(3), the term “DOT” shall be deleted and replaced by “commission.”

~~(B)~~(C) In paragraph (g), the words “DOT agency representatives (e.g., inspectors conducting an audit or safety investigation) and representatives of the NTSB in an accident investigation” shall be deleted and replaced by “special agents and authorized representatives.”

~~(85)~~(118) In paragraph 49 C.F.R. 40.313, the first sentence shall be deleted and replaced by “Other information on the role of functions of SAPs can be found in the following sections of 49 C.F.R. Part 40 as adopted by this regulation:”.

(119) The following revisions shall be made to 49 C.F.R. 40.321:

~~(86)~~(A) In the first paragraph of ~~49 C.F.R. 40.321~~, the term “DOT” shall be deleted and replaced by “commission.”

(B) In paragraph (b), the phrase “this part” shall be deleted and replaced with “49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b.”

~~(87)~~(120) In 49 C.F.R. 40.323(a)(1), the term “DOT” shall be deleted and replaced by “commission.”

~~(88)~~(121) The following revisions shall be made to 49 C.F.R. 40.327:

(A) In paragraph (a)(1), the term “DOT agency” shall be deleted and replaced by “commission.”

(B) The following revisions shall be made to paragraph (b):

(i) The first instance of the term “DOT agency” shall be deleted and replaced by “commission.”

(ii) The phrase “§ 40.293(g)” shall be deleted and replaced with “49 C.F.R. 40.293(g) as adopted by K.A.R. 82-4-3b.”

(iii) The words “the commission,” shall be added before the phrase “a DOT agency.”

(122) The following revisions shall be made to 49 C.F.R. 40.329:

~~(89)~~(A) In ~~49 C.F.R. 40.329~~ paragraph (a), the term “DOT-mandated” shall be deleted and replaced by “commission.”

(B) In paragraph (c), the phrase “§ 40.311” shall be deleted and replaced with “49 C.F.R. 40.311 as adopted by K.A.R. 82-4-3b.”

~~(90)~~(123) The following revisions shall be made to 49 C.F.R. 40.331:

(A) In paragraph (b), the phrase “DOT agency” shall be deleted and replaced by “special agent or authorized.”

(B) In paragraphs (b)(1), (b)(2), and (c)(1), the term “DOT agency” shall be deleted and replaced by “commission.”

(C) In paragraph (c), the term “DOT agency representatives” shall be deleted and replaced by “a special agent or authorized representative.”

(D) In paragraph (c)(2), the term “DOT agency” shall be deleted and replaced by “commission.”

(E) In paragraph (f), the term “ODAPC” shall be deleted and replaced by “the commission.” and the phrase “§ 40.13” shall be deleted and replaced with “49 C.F.R. 40.13 as adopted by K.A.R. 82-4-3b.”

~~(91)~~(124) The following revisions shall be made to 49 C.F.R. 40.333:

(A) In paragraph (a)(2), the phrase “§ 40.25” shall be deleted and replaced with “49 C.F.R. 40.25 as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (b), the parenthetical text shall be deleted.

~~(B)~~(C) The following revisions shall be made to paragraph (d):

(i) The term “DOT agency” shall be deleted and replaced by “commission.”

(ii) The last sentence shall be deleted.

~~(C)~~(D) In paragraph (e), the phrase “DOT agency personnel” shall be deleted and replaced by “a special agent or authorized representative.”

~~(92)~~(125) 49 C.F.R. 40.341 shall be deleted.

~~(93)~~(126) In 49 C.F.R. 40.343, the term “DOT agency” shall be deleted and replaced by “commission.”

(127) The following revisions shall be made to 49 C.F.R. 40.345:

~~(94)~~(A) In ~~49 C.F.R. 40.345~~ the first sentence of paragraph (b), the phrase “of this part” shall be deleted and replaced with “49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b,” and the phrase “to this part” shall be deleted and replaced by “as in effect on October 1, 2007 2011, and hereby incorporated by reference.”

(B) In paragraph (c), the phrase “§ 40.167” shall be deleted and replaced with “49 C.F.R. 40.167 as adopted by K.A.R. 82-4-3b.”

~~(95)~~(128) The following revisions shall be made to 49 C.F.R. 40.347:

(A) In paragraph (b), the phrase “the DOT agency” shall be deleted and replaced by “commission.”

(B) In paragraph (b)(1), the phrase “each DOT agency” shall be deleted and replaced by “the commission.”

(C) The following revisions shall be made to paragraph (b)(2):

(i) The term “DOT agency” shall be deleted and replaced by “commission.”

(ii) The term “DOT covered” shall be deleted and replaced by “commission-regulated.”

~~(96)~~(129) The following revisions shall be made to 49 C.F.R. 40.349:

(A) In paragraph (a), the term “DOT” shall be deleted and replaced by “commission.”

(B) In paragraph (e), the term “DOT agency” shall be deleted and replaced by “special agent or authorized.”

(130) In the first sentence of 49 C.F.R. 40.351, the phrase “this part” shall be deleted and replaced with “49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b.”

~~(97)~~(131) In 49 C.F.R. 40.353(c), the term “DOT agency” shall be deleted and replaced by “commission.”

~~(98)~~(132) The following revisions shall be made to 49 C.F.R. 40.355:

(A) In the first sentence, the term “DOT” shall be deleted and replaced by “commission.”

(B) The following revisions shall be made to paragraph (m):

(i) The term “DOT” shall be deleted and replaced by “commission.”

(ii) The last sentence shall be deleted.

(C) The following revisions shall be made to paragraph (o):

(i) The term “DOT agency” shall be deleted and replaced by “commission.”

(ii) The term “DOT” shall be deleted and replaced by “commission.”

(iii) The word “Department” shall be deleted and replaced by “commission.”

~~(99)~~(133) 49 C.F.R. 40.361 through 49 C.F.R. 40.413 shall be deleted.

~~(100)~~(134) In the title ~~and the first sentence~~ of appendix H to Part 40, the terms “DOT” and “DOT agency” shall be deleted and replaced by “commission.”

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. ~~2008~~ 2012 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. ~~2008~~ 2012 Supp. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended P-_____.)

82-4-3c. Testing for controlled substances and alcohol use. (a) With the following exceptions, 49 C.F.R. Part 382, as in effect on ~~October 1, 2007~~ January 30, 2012, is hereby adopted by reference:

(1) The following revisions shall be made to 49 C.F.R. 382.103:

(A) In paragraph (a), the phrase “any State” shall be deleted and replaced by “the state of Kansas.”

(B) In paragraph (a)(1), the phrase “part 383 of this subchapter” shall be deleted and replaced with “the Kansas uniform commercial drivers’ license act, found at K.S.A. 8-2,125 et seq.”

(C) In paragraph (a)(2), the word “or” shall be deleted.

~~(C)~~(D) Following paragraph (a)(3), delete the period, add a semicolon, and insert the following: “or (4) the Kansas uniform commercial drivers’ license act, found at K.S.A. ~~8-2,126~~ 8-2,125 et seq.”

~~(D)~~(E) In paragraph (c), the phrase “~~See~~ § 390.3(f) of this subchapter” shall be deleted and replaced by “49 C.F.R. 390.3(f), as adopted by K.A.R. 82-4-3f.”

~~(E)~~(F) Paragraph (d)(1) shall be deleted.

~~(F)~~(G) Paragraph (d)(2) shall be deleted and replaced by the following: “(2) Operating vehicles exempted from the Kansas uniform commercial drivers’ license act by K.S.A. 8-2,127 and amendments thereto.”

~~(G)~~(H) 49 C.F.R. 382.103(d)(3) shall be deleted.

(2) In 49 C.F.R. 382.105, the phrase “part 40 of this title” shall be deleted and replaced by “49 C.F.R. Part 40, as adopted by K.A.R. 82-4-3b.”

(3) The following revisions shall be made to 49 C.F.R. 382.107:

(A) In the first paragraph, the phrase “~~Sees. §§~~ 386.2 and 390.5 of this subchapter, and ~~See. §~~ 40.3 of this title” shall be deleted and replaced by “49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f, and 49 C.F.R. 40.3, as adopted by K.A.R. 82-4-3b.”

(B) In the definition of “actual knowledge,” the following revisions shall be made:

(i) The phrase “Subpart B of this part” shall be deleted and replaced with “Subpart B of 49 C.F.R. Part 382 as adopted by K.A.R. 82-4-3c.”

(ii) The phrase “§ 382.121” shall be deleted and replaced with “49 C.F.R. 382.121 as adopted by K.A.R. 82-4-3c.”

(iii) The phrase “§ 382.307” shall be deleted and replaced with “49 C.F.R. 382.307 as adopted by K.A.R. 82-4-3c.”

(C) The definition of “commerce” shall be deleted and replaced by the following:
“‘Commerce’ means any trade, traffic or transportation within the jurisdiction of the state of Kansas, and any trade, traffic and transportation which affects any trade, traffic and transportation within the jurisdiction of the state of Kansas.”

~~(C)~~(D) The phrase “as adopted by K.A.R. 82-4-30” shall be inserted after the phrase “(49 C.F.R. part 172, subpart F)” in the definition of commercial motor vehicle.

~~(D)~~(E) In the definition of “consortium/third party administrator,” the phrase “DOT-regulated employers” shall be deleted and replaced by the phrase “Kansas-regulated or USDOT-regulated employers.” The phrase “DOT drug and alcohol testing programs” shall be deleted and replaced by “Kansas or USDOT drug and alcohol testing programs.”

~~(E)~~(F) In the definition of “controlled substances,” the phrase “~~See~~ § 40.85 of this title” shall be deleted and replaced by “49 C.F.R. 40.85, as adopted by K.A.R. 82-4-3b.”

~~(F)~~(G) The definition of “DOT agency” shall be deleted and replaced by the following: “‘USDOT agency’ means an agency of the United States department of transportation administering regulations requiring alcohol or drug testing or both in accordance with 49 C.F.R. Part 40, as which is adopted by K.A.R. 82-4-3b.”

~~(G)~~(H) The following revisions shall be made to the definition of “employer”:

(i) The phrase “DOT agency regulations” shall be deleted and replaced by “Kansas or USDOT agency regulations.”

(ii) The phrase “DOT drug and alcohol program requirements” shall be deleted and replaced by “Kansas or USDOT drug and alcohol program requirements.”

~~(iii) The phrase “DOT agency regulations” shall be deleted and replaced by “Kansas or USDOT agency regulations.”~~

~~(H)~~(I) The following revisions shall be made to the definition of “~~refusal~~ refuse to submit”:

(i) The phrase “DOT agency regulations” shall be deleted and replaced by “Kansas and USDOT agency regulations.”

(ii) In paragraph (1), the phrase “~~See~~ § 40.61(a) of this title” shall be deleted and replaced by “49 C.F.R. 40.61(a), as adopted by K.A.R. 82-4-3b.”

(iii) In paragraphs (2) and (3), the phrase “~~See~~ § 40.63(c) of this title” shall be deleted and replaced by “49 C.F.R. 40.63(c), as adopted by K.A.R. 82-4-3b.”

(iv) In paragraph (4), the phrase “~~Sees~~ §§ 40.67(l) and 40.69(g) of this title” shall be deleted and replaced by “49 C.F.R. 40.67(l) and 40.69(g), as adopted by K.A.R. 82-4-3b.”

(v) In paragraph (5), the phrase “~~See~~ § 40.193(d)(2) of this title” shall be deleted and replaced by “49 C.F.R. 40.193(d)(2), as adopted by K.A.R. 82-4-3b.”

(vi) In paragraph (7), the phrase “~~See~~ § 40.193(d) of this title” shall be deleted and replaced by “49 C.F.R. 40.193(d), as adopted by K.A.R. 82-4-3b.”

~~(H)(J)~~ The following revisions shall be made to the definition of “safety-sensitive function”:

(i) The phrase “~~Sees~~ §§ 392.7 and 392.8 of this subchapter” shall be deleted and replaced by “49 C.F.R. 392.7 and 392.8, as adopted by K.A.R. 82-4-3h.”

(ii) The phrase “~~See~~ § 393.76 of this subchapter” shall be deleted and replaced by “49 C.F.R. 393.76, as adopted by K.A.R. 82-4-3i.”

(4) 49 C.F.R. 382.109 shall be deleted.

(5) In 49 C.F.R. 382.117, the phrase “49 CFR part 40, Subpart R” shall be deleted and replaced by “49 C.F.R. Part 40, Subpart R, as adopted by K.A.R. 82-4-3b.”

(6) The following revisions shall be made to 49 C.F.R. 382.119:

(A) The phrase “Federal Motor Carrier Safety Administration” shall be deleted and replaced by “transportation division of the corporation commission.”

(B) The phrase “as adopted by K.A.R. 82-4-3b” shall be inserted after the phrase “49 CFR 40.21.”

(C) The last sentence of paragraph (b) shall be deleted and replaced by the following: “The employer shall send a written request, which shall include all of the information required by that section to the Director of the Transportation Division, Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, KS 66604.”

(D) In paragraphs (c) and (d), the phrase “Administrator or the Administrator’s designee” shall be deleted and replaced by “director of the transportation division of the Kansas corporation commission.”

(E) Paragraph (e) shall be deleted.

(7) The following revisions shall be made to 49 C.F.R. 382.121:

(A) In ~~49 C.F.R. 382.121~~ paragraph (a), the phrase “part 40 of this title” shall be deleted and replaced by “49 C.F.R. Part 40, as adopted by 82-4-3b.”

(B) In paragraph (b)(5), the phrase “Non-DOT” shall be deleted and replaced with “unapproved.”

(8) In 49 C.F.R. 382.209, the phrase “§ 382.303” shall be deleted and replaced with “49 C.F.R. 382.303 as adopted by K.A.R. 82-4-3c.”

(9) The following revisions shall be made to 49 C.F.R. 382.211:

(A) The phrase “§ 382.301” shall be deleted and replaced with “49 C.F.R. 382.301 as adopted by K.A.R. 82-4-3c.”

(B) The phrase “§ 382.303” shall be deleted and replaced with “49 C.F.R. 382.303 as adopted by K.A.R. 82-4-3c.”

(C) The phrase “§ 382.305” shall be deleted and replaced with “49 C.F.R. 382.305 as adopted by K.A.R. 82-4-3c.”

(D) The phrase “§ 382.307” shall be deleted and replaced with “49 C.F.R. 382.307 as adopted by K.A.R. 82-4-3c.”

(E) The phrase “§ 382.309” shall be deleted and replaced with “49 C.F.R. 382.309 as adopted by K.A.R. 82-4-3c.”

(F) The phrase “§ 382.311” shall be deleted and replaced with “49 C.F.R. 382.311 as adopted by K.A.R. 82-4-3c.”

(10) The following revisions shall be made to 49 C.F.R. 382.213:

(A) In paragraph (a), the text “as in effect on April 1, 2011, which is hereby adopted by reference” shall be added after the phrase “21 C.F.R. 1308.11 Schedule I.”

(B) The following revisions shall be made to paragraph (b):

(i) The text “non-Schedule I drug or substance that is identified in the other Schedules in 21 C.F.R. part 1308” shall be deleted and replaced with “substances not identified in 21 C.F.R. 1308.11 as adopted by K.A.R. 82-4-3c or substance that is identified in 21 C.F.R. 1308.12 through 1308.15 as in effect on April 1, 2011, which are hereby adopted by reference.”

(ii) The phrase “§ 382.107” shall be deleted and replaced with “49 C.F.R. 382.107 as adopted by K.A.R. 82-4-3c.”

~~(8)~~(11) The following revisions shall be made to 49 C.F.R. 382.301:

(A) In paragraph (b)(3), the phrase “DOT agency” shall be deleted and replaced by “state or USDOT agency.”

(B) In ~~paragraphs~~ paragraph (c)(1)(iii) and ~~(c)(2)~~, the phrase “part 40 of this title” shall be deleted and replaced by “49 C.F.R. Part 40, as adopted by K.A.R. 82-4-3b.”

(C) In paragraph (c)(1)(vi), the phrase “Subpart B of this part” shall be deleted and replaced with “Subpart B of 49 C.F.R. Part 382 as adopted by K.A.R. 82-4-3c.”

(D) In paragraph (c)(2), the phrase “§ 382.401” shall be deleted and replaced with “49 C.F.R. 382.401 as adopted by K.A.R. 82-4-3c,” and the phrase “part 40 of this title” shall be deleted and replaced by “49 C.F.R. Part 40, as adopted by K.A.R. 82-4-3b.”

(E) In paragraph (d)(4), the phrase “49 CFR Part 40 of this title” shall be deleted and replaced by “49 C.F.R. Part 40, as adopted by K.A.R. 82-4-3b.”

~~(9)~~(12) The following revisions shall be made to 49 C.F.R. 382.303~~(h)(3)~~:

(A) In paragraphs (d)(1) and (d)(2), the phrase “FMCSA” shall be deleted and replaced with “commission.”

(B) The following revisions shall be made to paragraph (h)(3):

(i) The phrase “(as defined in ~~See~~ § 571.3 of this title)” shall be deleted.

~~(B)~~(ii) the phrase “~~See~~ § 177.823 of this title” shall be deleted and replaced by “49 C.F.R. 177.823, as adopted by K.A.R. 82-4-20.”

~~(10)~~(13) The following revisions shall be made to 49 C.F.R. 382.305:

(A) Paragraphs (c), (d), (e), (f), (g), (h), and (n) shall be deleted.

(B) In paragraph (o)(1) the term “DOT-covered” shall be deleted.

(C) In paragraph (o)(2), the phrase “DOT agency” shall be deleted and replaced by “USDOT or state agency.”

(14) The following revisions shall be made to 49 C.F.R. 382.307:

(A) In paragraphs (a) and (b), the phrase “subpart B of this part” shall be deleted and replaced with “subpart B of 49 C.F.R. Part 382 as adopted by K.A.R. 82-4-3c.”

(B) In paragraph (c), the phrase “§ 382.603” shall be deleted and replaced with “49 C.F.R. 382.603 as adopted by K.A.R. 82-4-3c.”

~~(11)~~(15) In 49 C.F.R. 382.309, and 382.311, ~~and 382.605~~, the phrase “49 CFR part 40, Subpart O” shall be deleted and replaced by “49 C.F.R. Part 40, Subpart O, as adopted by K.A.R. 82-4-3b.”

~~(12)~~ In 49 C.F.R. 382.503 and 382.601(b)(9), the phrase “part 40, subpart O, of this title” shall be deleted and replaced by “49 C.F.R. Part 40, Subpart O, as adopted by K.A.R. 82-4-3b.”

~~(13)~~(16) The following revisions shall be made to 49 C.F.R. 382.401:

(A) In paragraph (b)(1)(vii), the phrase “§ 382.403” shall be deleted and replaced with “49 C.F.R. 382.403 as adopted by K.A.R. 82-4-3c.”

(B) In paragraph (b)(3), the phrase “part 40 of this title” shall be deleted and replaced by “49 C.F.R. Part 40, as adopted by K.A.R. 82-4-3b.”

(C) In paragraph (c)(1)(viii), the phrase “§ 382.403” shall be deleted and replaced with “49 C.F.R. 382.403 as adopted by K.A.R. 82-4-3c.”

~~(B)~~(D) In paragraph (c)(2)(iii), the phrase “part 40, subpart G, of this title” shall be deleted and replaced by “49 C.F.R. Part 40, as adopted by K.A.R. 82-4-3b.”

(E) In paragraph (c)(2)(vi)(A), the phrase “§ 382.301” shall be deleted and replaced with “49 C.F.R. 382.301 as adopted by K.A.R. 82-4-3c.”

(F) In paragraph (c)(2)(vi)(B), the phrase “§ 382.413” shall be deleted and replaced with “49 C.F.R. 382.413 as adopted by K.A.R. 82-4-3c.”

(G) In paragraph (c)(5)(ii), the phrase “§ 382.601” shall be deleted and replaced with “49 C.F.R. 382.601 as adopted by K.A.R. 82-4-3c.”

~~(C)~~(H) In paragraph (c)(5)(iv), the phrase “~~See~~ § 40.213(a) of this title” shall be deleted and replaced by “49 C.F.R. 40.213(a), as adopted by K.A.R. 82-4-3b.”

~~(D)~~(I) In paragraph (c)(6)(iii), the phrase “~~See~~ § 40.111(a) of this title” shall be deleted and replaced by “49 C.F.R. 40.111(a), as adopted by K.A.R. 82-4-3b.”

~~(E)~~(J) The following revisions shall be made to paragraph (d):

(i) The phrase “390.31 of this subchapter” shall be deleted and replaced by “49 C.F.R. 390.31, as adopted by K.A.R. 82-4-3f.”

(ii) The phrase “Federal Motor Carrier Safety Administration” shall be deleted and replaced by “transportation division of the Kansas corporation commission.”

~~(F)~~(K) Paragraph (e) shall be deleted.

~~(14)~~(17) 49 C.F.R. 382.403 shall be revised as follows:

(A) In paragraph (a), the words “the Secretary of Transportation, any DOT agency, or” shall be deleted.

(B) The following changes shall be made to paragraph (b):

(i) The terms “Federal Motor Carrier Safety Administration” and “FMCSA” shall be deleted and replaced by “transportation division of the Kansas corporation commission.”

(ii) The phrase “see § 40.26” shall be deleted and replaced by “49 C.F.R. 40.26, as adopted by K.A.R. 82-4-3b.”

(iii) The phrase “part 40” shall be deleted and replaced by “49 C.F.R. Part 40, as adopted by K.A.R. 82-4-3b.”

(iv) The term “DOT” shall be deleted and replaced by “Kansas Corporation Commission or the USDOT.”

(v) The word “Administrator” shall be deleted and replaced by “Director of the Transportation Division of the Kansas Corporation Commission.”

(C) In paragraph (c), the term “FMCSA” shall be deleted and replaced by “Transportation Division of the Kansas Corporation Commission.”

(D) In paragraph (d), the phrase “state or” shall be inserted before all occurrences of the term “DOT.” The term “DOT” shall be replaced by the term “USDOT.”

~~(15)~~(18) The following revisions shall be made to 49 C.F.R. 382.405:

(A) In paragraph (a), the phrase “§ 382.401” shall be deleted and replaced with “49 C.F.R. 382.401 as adopted by K.A.R. 82-4-3c.”

(B) In paragraphs (c) and (d), the words “the Secretary of Transportation, any DOT agency, or” shall be deleted.

~~(B)~~(C) In paragraph (e), the phrase “National Transportation Safety Board” shall be deleted and replaced by “commission.”

~~(C)~~(D) In paragraph (g), the phrase “state or” shall be added before the phrase “DOT drug.”

~~(D)~~(E) In paragraph (g), the phrase “~~See~~ § 40.323(a)(2) of this title” shall be deleted and replaced by “49 C.F.R. 40.323(a)(2), as adopted by K.A.R. 82-4-3b.”

~~(E)~~(F) In paragraph (h), the phrase “~~See~~ § 40.321(b) of this title” shall be deleted and replaced by “49 C.F.R. 30.321(b), as adopted by K.A.R. 82-4-3b.”

~~(16)~~(19) In 49 C.F.R. 382.407 and 382.409, the phrase “part 40, Subpart G, of this title” shall be deleted and replaced by “49 C.F.R. 40.321(b), as adopted by K.A.R. 82-4-3b.”

~~(17)~~(20) In 49 C.F.R. 382.413, the phrase “~~See~~ § 40.25 of this title” shall be deleted and replaced by “49 C.F.R. 40.25, as adopted by K.A.R. 82-4-3b.”

~~(18)~~(21) The following revisions shall be made to 49 C.F.R. 382.501:

(A) The following revisions shall be made to paragraph (a):

(i) The phrase “subpart F of this part” shall be deleted and replaced with “49 C.F.R. Part 382 Subpart F as adopted by K.A.R. 82-4-3c.”

(ii) The phrase “subpart B of this part” shall be deleted and replaced with “49 C.F.R. Part 382 Subpart B as adopted by K.A.R. 82-4-3c.”

(iii) The phrase “state or” shall be added before the phrase “DOT agency.”

(B) The following revisions shall be made to paragraph (c):

(i) The phrase “§ 382.107” shall be deleted and replaced with “49 C.F.R. 382.107 as adopted by K.A.R. 82-4-3c.”

(ii) The phrase “part 390 of this subchapter” shall be deleted and replaced by “49 C.F.R. Part 390, as adopted by K.A.R. 82-4-3f.”

(22) The following revisions shall be made to 49 C.F.R. 382.503:

(A) The phrase “subpart B of this part” shall be deleted and replaced with “Subpart B of 49 C.F.R. Part 382 as adopted by K.A.R. 82-4-3c.”

(B) The phrase “part 40, subpart O, of this title” shall be deleted and replaced with “Subpart O of 49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b.”

(23) In 49 C.F.R. 382.505(a), the phrase “subpart C of this part” shall be deleted and replaced with “Subpart C of 49 C.F.R. Part 382 as adopted by K.A.R. 82-4-3c.”

~~(19)~~(24) 49 C.F.R. 382.507 shall be deleted.

(25) The following revisions shall be made to 49 C.F.R. 382.601:

(A) In paragraphs (b)(5) and (b)(6), the phrase “§ 382.303(d)” shall be deleted and replaced with “49 C.F.R. 382.303(d) as adopted by K.A.R. 82-4-3c.”

(B) In paragraph (b)(9), the phrase “part 40, Subpart O, of this title” shall be deleted and replaced by “49 C.F.R. Part 40, Subpart O, as adopted by K.A.R. 82-4-3b.”

(26) In 49 C.F.R. 382.603, the phrase “§ 382.307” shall be deleted and replaced with “49 C.F.R. 382.307 as adopted by K.A.R. 82-4-3c.”

(27) In 49 C.F.R. 382.605, the phrase “49 C.F.R. part 40, subpart O” shall be deleted and replaced by “Subpart O of 49 C.F.R. Part 40, as adopted by K.A.R. 82-4-3b.”

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. ~~2008~~ 2012 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. ~~2008~~ 2012 Supp. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended P-_____.)

82-4-3d. Safety fitness procedures. (a) With the following exceptions, 49 C.F.R. Part 385, as in effect on ~~October 1, 2009~~ December 27, 2011, is hereby adopted by reference:

(1) The following revisions shall be made to 49 C.F.R. 385.1:

(A) In 49 C.F.R. 385.1, Paragraphs (a) and (b) shall be deleted.

(B) In paragraph (c), the phrase “§ 385.403” shall be deleted and replaced with “49 C.F.R. 385.403 as adopted by K.A.R. 82-4-3d.”

(C) In paragraphs (d) and (e), the phrase “of this part” shall be deleted and replaced with “49 C.F.R. Part 385 as adopted by K.A.R. 82-4-3d.”

(D) In paragraph (e), the phrase “Federal Motor Carrier Safety Regulations (FMCSRs)” shall be deleted and replaced with “commission regulations.”

(2) The following revisions shall be made to 49 C.F.R. 385.3:

(A) The following revisions shall be made to the definition of “applicable safety regulations or requirements”:

(i) The phrase “as adopted by K.A.R. 82-4-3a through 82-4-3o,” shall be inserted after the phrase “49 CFR chapter III, subchapter B – Federal Motor Carrier Safety Regulations.”

(ii) The phrase “of this part” shall be deleted and replaced by “49 C.F.R. Part 385 as adopted by K.A.R. 82-4-3d.”

(iii) The phrase “as adopted by K.A.R. 82-4-20” shall be inserted after the phrase “49 C.F.R. chapter I, subchapter C – Hazardous Materials Regulations.”

(B) In the definition of “CMV,” the phrase “§ 390.5 of this subchapter” shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.”

(C) In the definition of “commercial motor vehicle,” the phrase “§ 390.5 of this subchapter” shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f,” and the phrase “of this part” shall be deleted and replaced with “of 49 C.F.R. Part 385 as adopted by K.A.R. 82-4-3d.”

(D) The definition of “FMCSRs” shall be deleted.

(E) In the definition of “HMRs,” the phrase “as adopted by K.A.R. 82-4-20” shall be inserted after the phrase “49 C.F.R. parts 100-178.”

(F) In the definition of “motor carrier operations in commerce,” the phrase “or intrastate” shall be added after the word “interstate” in paragraphs (1) and (2).

(G) The following revisions shall be made to the definition of “reviews”:

(i) In paragraph (1), of the definition of “Reviews,” the last sentence shall be deleted.

(ii) In paragraph (2), the term “FMCSRs” shall be deleted and replaced with “commission regulations.”

(H) In the definition of “roadability review,” the term “FMCSRs” shall be deleted and replaced with “commission regulations.”

(I) In the definition of “safety fitness determination,” the phrase “§358.5” shall be deleted and replaced with “49 C.F.R. 385.5 as adopted by K.A.R. 82-4-3d.”

~~(B)~~(J) The definition of “Safety ratings rating,” including paragraphs (1), (2), (3), and (4), shall be deleted.

(3) 49 C.F.R. 385.4 shall be deleted.

(4) The following revisions shall be made to 49 C.F.R. 385.5:

(A) The first paragraph of 49 C.F.R. 385.5 shall be deleted and replaced by the following:
“In cooperation with the FMCSA, special agents and authorized representatives shall conduct reviews in order to gather the information necessary for the FMCSA to issue a safety rating for a motor carrier. Information gathered shall include information necessary to demonstrate that the motor carrier has adequate safety management controls in place which comply with the applicable safety requirements ~~in order to reduce the risks associated with~~ and must demonstrate the following:”.

(B) In paragraph (a)(1), the phrase “part 383 of this chapter” shall be deleted and replaced with “the Kansas uniform commercial drivers’ license act, found at K.S.A. 8-2,125 et seq.”

(C) In paragraph (a)(2), the phrase “part 387 of this chapter” shall be deleted and replaced with “49 C.F.R. Part 387 as adopted by K.A.R. 82-4-3n.”

(D) In paragraph (a)(3), the phrase “part 391 of this chapter” shall be deleted and replaced with “49 C.F.R. Part 391 as adopted by K.A.R. 82-4-3g.”

(E) In paragraph (a)(4), the phrase “part 392 of this chapter” shall be deleted and replaced with “49 C.F.R. Part 392 as adopted by K.A.R. 82-4-3h.”

(F) In paragraph (a)(5), the phrase “part 393 of this chapter” shall be deleted and replaced with “49 C.F.R. Part 393 as adopted by K.A.R. 82-4-3i.”

(G) In paragraph (a)(6), the phrase “part 390 of this chapter” shall be deleted and replaced with “49 C.F.R. Part 390 as adopted by K.A.R. 82-4-3f.”

(H) In paragraph (a)(7), the phrase “part 395 of this chapter” shall be deleted and replaced with “49 C.F.R. Part 395 as adopted by K.A.R. 82-4-3a.”

(I) In paragraph (a)(8), the phrase “part 396 of this chapter” shall be deleted and replaced with “49 C.F.R. Part 396 as adopted by K.A.R. 82-4-3j.”

(J) In paragraph (a)(9), the phrase “part 397 of this chapter” shall be deleted and replaced with “49 C.F.R. Part 397 as adopted by K.A.R. 82-4-3k.”

(K) In paragraph (a)(10), the phrase “parts 170 through 177 of this title” shall be deleted and replaced with “K.A.R. 82-4-20.”

(L) In paragraph (a)(11), the phrase “§ 390.5 of this chapter” shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.”

(M) Paragraph (b) shall be deleted.

(4)(5) The first paragraph of 49 C.F.R. 385.7 shall be deleted and replaced by the following:
“In cooperation with the FMCSA, special agents and authorized representatives shall conduct reviews in order to gather the information necessary for the FMCSA to determine and issue an

appropriate safety rating for a motor carrier. Information gathered shall be information the FMCSA may consider in assessing a safety rating, including:”.

~~(5)(6)~~ 49 C.F.R. 385.9 through 49 C.F.R. 385.19 shall be deleted.

~~(6)(7)~~ 49 C.F.R. 385.101 through 49 C.F.R. 385.119 shall be deleted.

(8) The following revisions shall be made to 49 C.F.R. 385.201:

(A) In paragraph (a), the phrase “§ 385.203(b)” shall be deleted and replaced with “49 C.F.R. 385.203(b) as adopted by K.A.R. 82-4-3d.”

(B) In paragraph (b), the phrase “§ 385.203(a)” shall be deleted and replaced with “49 C.F.R. 385.203(a) as adopted by K.A.R. 82-4-3d.”

(9) In 49 C.F.R. 385.203(a), the phrase “§ 385.201(a)” shall be deleted and replaced with “49 C.F.R. 385.201(a) as adopted by K.A.R. 82-4-3d.”

(10) In 49 C.F.R. 385.205, the phrase “§ 385.203(a) and (b)” shall be deleted and replaced with “49 C.F.R. 385.203(a) and (b) as adopted by K.A.R. 82-4-3d.”

~~(7)(11)~~ In 49 C.F.R. 385.301(c), the last sentence shall be deleted.

(12) The following revisions shall be made to 49 C.F.R. 385.331:

~~(8)(A) In 49 C.F.R. 385.331, The phrase “49 U.S.C. 521(b)(2)(A)” shall be deleted and replaced with “K.S.A. 66-1,129a, and K.S.A. 66-1,142b” shall be added after each occurrence of the phrase “49 U.S.C. 521(b)(2)(A).”~~

(B) The phrase “as adopted by K.A.R. 82-4-3d” shall be inserted after the phrase “49 C.F.R. part 386, appendix B.”

(13) The following changes shall be made to 49 C.F.R. 385.333:

~~(9)(A)~~ ~~In 49 C.F.R. 385.333,~~ The phrase “or the commission in cooperation with the FMCSA” shall be added after each occurrence of the phrase “The FMCSA.”

(B) In paragraph (a), the phrase “§ 385.325(b)” shall be deleted and replaced with “49 C.F.R. 385.325(b) as adopted by K.A.R. 82-4-3d,” and the phrase “§ 385.319(c)” shall be deleted and replaced with “49 C.F.R. 385.319(c) as adopted by K.A.R. 82-4-3d.”

(C) In paragraph (b), the phrase “§ 385.13” shall be deleted and replaced with “49 C.F.R. 385.13 as adopted by K.A.R. 82-4-3d.”

(D) In paragraphs (c) and (d)(2), the phrase “§ 385.319(c)” shall be deleted and replaced with “49 C.F.R. 385.319(c) as adopted by K.A.R. 82-4-3d.”

~~(10)(14)~~ In 49 C.F.R. 385.335, the ~~phrase~~ term “FMCSA” shall be deleted and replaced by “the commission.”

~~(11)(15)~~ In 49 C.F.R. 385.337, the phrase “or the commission in cooperation with the FMCSA” shall be added after the ~~phrase~~ term “~~The~~ FMCSA.”

(16) In 49 C.F.R. 305.401(a), the phrase “§ 385.403” shall be deleted and replaced with “49 C.F.R. 385.403 as adopted by K.A.R. 82-4-3d.”

~~(12)(17)~~ The following changes shall be made to 49 C.F.R. 385.402:

(A) Paragraph (a) shall be deleted and replaced with the following: “The definitions in 49 C.F.R. Parts 390 and 385, as adopted by K.A.R. 82-4-3f and 82-4-3d, respectively, shall apply to Subpart E of 49 C.F.R. Part 385, as adopted by K.A.R. 82-4-3d, unless otherwise specifically noted.”

(B) The phrase “§171.8 of this title” shall be deleted and replaced by “49 C.F.R. 171.8 as adopted by K.A.R. 82-4-20.”

~~(B)~~(C) The phrase “§172.101 of this title” shall be deleted and replaced by “49 C.F.R. 172.101 as adopted by K.A.R. 82-4-20.”

~~(C)~~(D) The term “FMCSA” shall be deleted and replaced by “the commission.”

(18) The following revisions shall be made to 49 C.F.R. 385.403:

(A) In the first paragraph, the phrase “§ 390.19(a)” shall be deleted and replaced with “49 C.F.R. 390.19(a) as adopted by K.A.R. 82-4-3f.”

(B) In paragraph (a), the phrase “§ 173.403 of this title” shall be deleted and replaced by “49 C.F.R. 173.403 as adopted by K.A.R. 82-4-20.”

(C) In paragraph (b), the phrase “part 172 of this title” shall be deleted and replaced with “49 C.F.R. Part 172 as adopted by K.A.R. 82-4-20.”

(D) The following revisions shall be made to paragraphs (c) and (d):

(i) The phrase “§ 171.8 of this title” shall be deleted and replaced with “49 C.F.R. 171.8 as adopted by K.A.R. 82-4-20.”

(ii) The phrase “§ 173.116(a) or § 173.133(a) of this title” shall be deleted and replaced with “49 C.F.R. 173.116(a) or 173.133(a) as adopted by K.A.R. 82-4-20.”

(E) The following revisions shall be made to paragraph (e):

(i) The phrase “§ 171.8 of this title” shall be deleted and replaced with “49 C.F.R. 171.8 as adopted by K.A.R. 82-4-20.”

(ii) The phrase “§ 173.116(a)” shall be deleted and replaced with “49 C.F.R. 173.116(a) as adopted by K.A.R. 82-4-20.”

~~(13)~~(19) The following shall be inserted after the last sentence in 49 C.F.R. 385.405(b): “All Kansas-based interstate motor carriers and all Kansas intrastate motor carriers

transporting hazardous materials are required to obtain a hazardous materials safety permit from the FMCSA and are subject to FMCSA jurisdiction for hazardous materials safety requirements as set forth in 49 C.F.R. 385.401 through ~~382.423~~ 385.423, and in 49 C.F.R. Parts 171, 172, 173, 177, 178 and 180, as adopted by K.A.R. 82-4-20.”

~~(14)~~ (20) 49 C.F.R. 385.407 through 49 C.F.R. 385.411 shall be deleted.

(21) In 49 C.F.R. 385.413(b), the second parenthetical text shall be deleted.

~~(15)~~ (22) 49 C.F.R. 385.415 through 49 C.F.R. ~~385.717~~ 385.819, including appendix A, shall be deleted.

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by K.S.A. ~~2009~~ 2012 Supp. 66-1,112, K.S.A. 66-1,112g, K.S.A. ~~2009~~ 2012 Supp. 66-1,129; implementing K.S.A. ~~2009~~ 2012 Supp. 66-1,112, K.S.A. 66-1,112g, K.S.A. ~~2009~~ 2012 Supp. 66-1,129, and K.S.A. ~~2009~~ 2012 Supp. 66-1,142a; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Oct. 22, 2010; amended P-_____.)

82-4-3f. General motor carrier safety regulations. (a) With the following exceptions, 49 C.F.R. Part 390, as in effect on ~~October 1, 2009~~ December 27, 2011, is hereby adopted by reference:

(1) The following revisions shall be made to 49 C.F.R. 390.3:

(A) ~~In~~ The following revisions shall be made to paragraph (a);:

(i) The phrase “subchapter B of this chapter” shall be deleted and replaced with “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

(ii) The phrase “or intrastate” shall be added after the word “interstate.”

(B) Paragraph (b) shall be deleted and replaced with the following: “The Kansas uniform commercial drivers’ license act, found at K.S.A. 8-2,125 et seq., is applicable to every person who operates a commercial motor vehicle, as defined in K.A.R. 82-4-1, in interstate or intrastate commerce and to all employers of such persons.”

(C) The following revisions shall be made to paragraph (c):

(i) The phrase “Part 387, Minimum Levels of Financial Responsibility for Motor Carriers” shall be deleted and replaced with “49 C.F.R. Part 387 as adopted by K.A.R. 82-4-3n.”

(ii) The phrase “§ 387.3 or § 387.27” shall be deleted and replaced with “49 C.F.R. 387.3 or 387.27 as adopted by K.A.R. 82-4-3n.”

(D) In paragraph (d), the phrase “subchapter B of this chapter” shall be deleted and replaced with “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

~~(B)~~ (E) In paragraph (e)(1), the phrase “all regulations contained in this subchapter” shall be deleted and replaced by “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

~~(C)~~ (F) In paragraph (e)(2), the phrase “all applicable regulations contained in this subchapter” shall be deleted and replaced by “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

(G) In paragraph (e)(3), both instances of the phrase “this subchapter” shall be deleted and replaced with “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

(H) In paragraph (f), the phrase “this subchapter” shall be deleted and replaced with “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

(I) In paragraph (f)(1), the phrase “§ 390.5, except for the provisions of §§ 391.15(f), 392.80, and 392.82 of this chapter” shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f, except for the provisions of 49 C.F.R. 391.15(f) as adopted by K.A.R. 82-4-3g and 49 C.F.R. 392.80 and 392.82 as adopted by K.A.R. 82-4-3h.”

(J) In paragraph (f)(6), the phrase “§§ 390.15, 390.19, 390.21(a) and (b)(2), 391.15(f), 392.80 and 392.82 of this chapter” shall be deleted and replaced with “49 C.F.R. 390.15, 390.19, 390.21(a) and (b)(2) as adopted by K.A.R. 82-4-3f, 49 C.F.R. 391.15(f) as adopted by K.A.R. 82-4-3g, and 49 C.F.R. 392.80 and 392.82 as adopted by K.A.R. 82-4-3h.”

(K) In paragraph (f)(7), the phrase “§ 390.5” shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.”

(L) In paragraph (g), the phrase “of Subchapter B of this chapter” shall be deleted.

~~(D)~~ (M) Paragraph (g)(1) shall be deleted and replaced with the following: “(1) 49 C.F.R. Part 385, subparts A and E, as adopted by K.A.R. 82-4-3d, for carriers subject to the requirements of 49 C.F.R. 385.403, as adopted by K.A.R. 82-4-3d.”

(N) Paragraph (g)(2) shall be deleted.

(O) Paragraph (g)(3) shall be deleted and replaced with “49 C.F.R. Part 387, as adopted by K.A.R. 82-4-3n, to the extent provided in 49 C.F.R. 387.3 as adopted by K.A.R. 82-4-3n.”

~~(E)~~ (P) Paragraph (g)(4) shall be deleted.

(Q) The following revisions shall be made to paragraph (h):

(i) The phrase “of subchapter B of this chapter” shall be deleted.

(ii) Paragraph (1) shall be deleted and replaced with “Subpart F of 49 C.F.R. Part 385 as adopted by K.A.R. 82-4-3d.”

(iii) Paragraph (2) shall be deleted.

(iv) Paragraph (3) shall be deleted and replaced with “49 C.F.R. Part 390 as adopted by K.A.R. 82-4-3f, except 49 C.F.R. 390.15(b) as adopted by K.A.R. 82-4-3f concerning accident registers.”

(v) Paragraph (4) shall be deleted and replaced with “49 C.F.R. Part 393 as adopted by K.A.R. 82-4-3i.”

(vi) Paragraph (5) shall be deleted and replaced with “49 C.F.R. Part 396 as adopted by K.A.R. 82-4-3j.”

(2) The following revisions shall be made to 49 C.F.R. 390.5:

(A) In the first paragraph, the phrase “this subchapter” shall be deleted and replaced with “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

(B) The following definitions shall be deleted:

(i) Conviction;

(ii) driveaway-towaway operation;

(iii) exempt motor carrier;

(iv) hazardous waste;

(v) operator;

- (vi) other terms;
- (vii) school bus;
- (viii) school bus operation;
- (ix) secretary;
- (x) state; and
- (xi) United States.

~~(B)~~ (C) In the definition of “commercial motor vehicle,” the phrase “or intrastate” shall be inserted following the term “interstate.”

(D) In the definition of “driving a commercial motor vehicle while under the influence of alcohol,” the phrase “Table 1 to §383.51 or §392.5(a)(2) of this subchapter,” shall be deleted and replaced with “K.S.A. 8-2,125 et seq. or 49 C.F.R. 392.5(a)(2) as adopted by K.A.R. 82-4-3h.”

~~(C)~~ (E) In the definition of “exempt intracity zone,” the following text shall be deleted: “of a municipality or the commercial zone of that municipality described in appendix F to subchapter B of this chapter. The term ‘exempt intracity zone’ does not include any municipality or commercial zone in the State of Hawaii.” The deleted text shall be replaced by the following: “described in section 8 of appendix F to Title 49, Chapter III, Subchapter B, as in effect on October 1, ~~2007~~ 2011, and hereby adopted by reference.”

(F) In the definition of “farm vehicle driver,” the phrase “§177.823 of this subtitle” shall be deleted and replaced with “49 C.F.R. 177.823 as adopted by K.A.R. 82-4-20.”

~~(D)~~ (G) The definition of “for hire motor carrier” shall be deleted and replaced by the following: “For purposes of this regulation, ‘for-hire motor carrier’ shall have the same meaning as ‘public motor carrier of household goods,’ ‘public motor carrier of passengers,’ or ‘public motor carrier of property,’ as defined in K.S.A. 66-1,108 and amendments thereto.”

~~(E)~~ (H) The definition of “gross combination weight rating (GCWR)” shall be deleted and replaced by the following: “‘Gross combination vehicle weight rating (GCWR)’ shall have the same meaning as defined in K.S.A. 66-1,108 and amendments thereto.”

~~(F)~~ (I) The definition of “gross vehicle weight rating (GVWR)” shall be deleted and replaced by the following: “‘Gross vehicle weight rating (GVWR)’ shall have the same meaning as defined in K.S.A. 66-1,108 and amendments thereto.”

~~(G)~~ (J) In the definition of “Hazardous material,” the phrase “United States” shall be inserted immediately before the phrase “Secretary of Transportation.”

~~(H)~~ (K) The following changes shall be made in the definition of “hazardous substance”:

(i) Both instances of the phrase “~~Section~~ § 172.101” shall be deleted and replaced by “49 C.F.R. 172.101.”

(ii) The first instance of the phrase “of this title” shall be deleted and replaced by “as adopted by K.A.R. 82-4-20.”

(iii) The phrase “~~Section~~ § 171.8 of this title” shall be deleted and replaced by “49 C.F.R. 171.8, as adopted by K.A.R. 82-4-20.”

~~(H)~~ (L) The definition of “highway” shall be deleted and replaced by the following:
“‘Highway’ shall have the same meaning as ‘public highway,’ as defined by K.S.A. 66-1,108 and amendments thereto.”

(M) In the definition of “medical variance,” the phrase “part 381, subpart C, of this chapter or §391.64 of this chapter” shall be deleted and replaced with “K.A.R. 82-4-6d or 49 C.F.R. 391.64 as adopted by K.A.R. 82-4-3g.”

~~(J)~~ (N) The definition of “motor carrier” shall be deleted and replaced by the following:
“‘Motor carrier’ shall have the same meaning as defined in K.S.A. 66-1,108 and amendments thereto.”

~~(K)~~ (O) The definition of “motor vehicle” shall be deleted and replaced by the following: “‘Motor vehicle’ shall have the same meaning as defined in K.S.A. 66-1,108 and amendments thereto.”

~~(L)~~ (P) The definition of “out of service order” shall be deleted.

~~(M)~~ (Q) The definition of “person” shall be deleted and replaced by the following:
“‘Person’ shall have the same meaning as defined in K.S.A. 66-1,108 and amendments thereto.”

~~(N)~~ (R) The following revisions shall be made to the definition of “principal place of business”:

(i) The phrase “parts 382, 387, 390, 391, 395, 396, and 397 of this subchapter” shall be deleted and replaced by “K.A.R. 82-4-3a, K.A.R. 82-4-3c, K.A.R. 82-4-3f, K.A.R. 82-4-3g, K.A.R. 82-4-3j, K.A.R. 82-4-3k, and K.A.R. 82-4-3n.”

(ii) The first instance of the term “Federal” shall be deleted.

(iii) The phrase “of the Federal Motor Carrier Safety Administration” shall be deleted.

~~(S)~~ (S) The following sentence shall be inserted before the definition of “radar detector”:
“Private motor carrier of passengers’ shall have the same meaning as defined in K.S.A. 66-1,108 and amendments thereto.”

~~(T)~~ (T) The definition of “Special agent” shall be deleted and replaced by the following:
“Special agent or authorized representative means an authorized representative of the commission, and members of the highway patrol or any other law enforcement officers in the state who have been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.”

(U) In the definition of “use a hand-held mobile telephone,” the phrase “as adopted by K.A.R. 82-4-3i” shall be inserted after the phrase “49 C.F.R. 393.93.”

(3) 49 C.F.R. 390.7 and 49 C.F.R. 390.9 shall be deleted.

(4) In 49 C.F.R. 390.11, the phrase “part 325 of subchapter A or in this subchapter” shall be deleted and replaced by “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

(5) In 49 C.F.R. 390.13, the phrase “violate the rules of this chapter” shall be deleted and replaced by “operate in Kansas in a manner which violates any order, decision, or regulation of the commission.”

(6) The following revisions shall be made to 49 C.F.R. 390.15:

(A) In paragraph (a)(1), the phrase “of the Federal Motor Carrier Safety Administration, an authorized State or local enforcement agency representative or authorized third party representative” shall be deleted.

(B) In paragraph (b)(1), the phrase “~~Section §~~ 390.5 of this chapter” shall be deleted and replaced by “49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f.”

(7) The following revisions shall be made to 49 C.F.R. 390.19:

(A) In paragraph (a)(1), the phrase “interstate commerce” shall be deleted and replaced by “Kansas.”

(B) In paragraph (a)(2), the phrase “as adopted by K.A.R. 82-4-3d,” shall be inserted following “49 C.F.R. part 385, subpart E.” The phrase “of this chapter” shall be deleted.

(C) Paragraph (b) shall be deleted and replaced by the following: “The Form MCS-150 shall contain the following information:

“(1) The USDOT number assigned to the carrier;

“(2) the legal name of the motor carrier;

“(3) the trade or ‘doing business as’ name of the motor carrier, if applicable;

“(4) the street address of the motor carrier, including city, state, and zip code;

“(5) the mailing address of the motor carrier, including city, state, and zip code;

“(6) the motor carrier’s principal telephone number and facsimile number;

“(7) whether the motor carrier conducts intrastate only carriage of hazardous materials or intrastate carriage of non-hazardous materials;

“(8) the motor carrier’s mileage, rounded to the nearest 10,000, for the last calendar year;

“(9) the type of operations the motor carrier conducts;

“(10) the classification of cargo that the motor carrier transports;

“(11) the hazardous materials transported by the motor carrier;

“(12) the type of equipment owned or leased or both for transporting property or passengers;

“(13) the number of drivers that operate within a 100-mile radius of the carrier’s principal place of business;

“(14) the number of drivers that operate outside a 100-mile radius of the carrier’s principal place of business;

“(15) the number of drivers with commercial drivers’ licenses;

“(16) the total number of drivers; and

“(17) for Kansas-based, intrastate carriers, a signed and dated statement with the signatory’s printed name and title, certifying that the signatory is familiar with the commission’s safety regulations and that the information contained in the report is accurate.”

(D) In paragraph (d), the term “agency’s” shall be deleted and replaced by “FMCSA’s.” The following sentence shall be inserted after the last sentence in paragraph (d): “Kansas-based motor carriers may file the completed Form MCS-150 online at fmcsa.dot.gov or with the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604.”

(E) In paragraph (g), the words “the penalties prescribed in 49 U.S.C. 521(b)(2)(B)” shall be deleted and replaced by “civil penalties as provided in K.S.A. 66-1,142b.”

(F) Paragraph (h) shall be deleted.

(G) Paragraph (i) shall be deleted and replaced by the following: “Kansas-based motor carriers that register vehicles with the Commission and the Kansas Trucking Connection (www.truckingks.org) are exempt from the requirements of this section, provided the carriers file all required information with the Commission and update the MCS-150 information annually.”

(8) The following revisions shall be made to 49 C.F.R. 390.21:

(A) In paragraph (a), the words “subject to subchapter B of this chapter must” shall be deleted and replaced by “required to be marked pursuant to K.A.R. 82-4-8h shall.”

(B) In paragraph (b)(1), the phrase “§ 390.19” shall be deleted and replaced with “49 C.F.R. 390.19 as adopted by K.A.R. 82-4-3f.”

(C) Paragraph (e)(2)(iii)(C) shall be deleted and replaced by the following: “A statement that the lessor cooperates with all relevant special agents and authorized representatives to provide the identity of customers who operate the rental commercial motor vehicles; and.”

~~(C)~~(D) The last sentence of paragraph (e)(2)(iv) shall be deleted.

~~(D)~~(E) In paragraph (g)(1), the phrase “§390.5” shall be deleted and replaced by “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.”

(9) The following changes shall be made to 49 C.F.R. 390.23:

(A) In paragraphs (a), (a)(1)(B), and (a)(2)(B), the phrase “Parts 390 through 399 of this chapter” shall be deleted and replaced by “K.A.R. 82-4-3a, and K.A.R. 82-4-3f through K.A.R. 82-4-3o.”

(B) In paragraph (b), both instances of the phrase “parts 390 through 399 of this chapter” shall be deleted and replaced by “K.A.R. 82-4-3a, and K.A.R. 82-4-3f through K.A.R. 82-4-3o.”

(C) In paragraph (c)(1), the phrase “~~Sees. §§~~ 395.3(a) and (c) and 395.5(a) of this chapter” shall be deleted and replaced by “49 C.F.R. 395.3(a) and (c) and 49 C.F.R. 395.5(a), as adopted by K.A.R. 82-4-3c.”

(10) 49 C.F.R. 390.27 shall be deleted.

(11) The following revisions shall be made to 49 C.F.R. 390.29:

(A) In paragraph (a), the phrase “this subchapter” shall be deleted and replaced by “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

(B) The following revisions shall be made to paragraph (b):

(i) The phrase “of the Federal Motor Carrier Safety Administration” shall be deleted.

(ii) The word “Federal” appearing in the last sentence shall be deleted.

(12) In 49 C.F.R. 390.33, the phrase “this subchapter and part 325 of subchapter A” shall be deleted and replaced by “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

(13) The following revisions shall be made to 49 C.F.R. 390.35:

(A) In paragraph (a), the phrase “by part 325 of subchapter A or this subchapter” shall be deleted and replaced by “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

(B) In paragraphs (b) and (c), the phrase “this subchapter or part 325 of subchapter A” shall be deleted and replaced by “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

(14) 49 C.F.R. 390.37 shall be deleted.

(15) The following revisions shall be made to 49 C.F.R. 390.40:

(A) In paragraph (a), the phrase “§ 390.19” shall be deleted and replaced with “49 C.F.R. 390.19 as adopted by K.A.R. 82-4-3f.”

(B) In paragraph (b), the phrase “§ 390.21” shall be deleted and replaced with “49 C.F.R. 390.21 as adopted by K.A.R. 82-4-3f.”

(C) In paragraph (c), the phrase “§ 396.3(a)(1)” shall be deleted and replaced with “49 C.F.R. 396.3(a)(1) as adopted by K.A.R. 82-4-3j.”

(D) In paragraph (e), the phrase “§ 396.11” shall be deleted and replaced with “49 C.F.R. 396.11 as adopted by K.A.R. 82-4-3j.”

(E) In paragraph (f), the phrase “§ 396.12” shall be deleted and replaced with “49 C.F.R. 396.12 as adopted by K.A.R. 82-4-3j.”

(F) In paragraph (g), the phrase “§ 396.17” shall be deleted and replaced with “49 C.F.R. 396.17 as adopted by K.A.R. 82-4-3j.”

(G) In ~~49 C.F.R. 390.40~~ paragraph (j), the phrase “as defined in § 386.72(b)(1) of this chapter” shall be deleted and replaced with “as defined in K.A.R. 82-4-3o.”

(16) The following revisions shall be made to 49 C.F.R. 390.42:

(A) In paragraph (a), the phrase “listed in §392.7(b) of this subchapter” shall be deleted and replaced by “specified in K.A.R. 82-4-3h.”

(B) In paragraph (b), the phrase “in §396.11(a)(2) of this chapter” shall be deleted and replaced by “required by K.A.R. 82-4-3j.”

(17) The following revisions shall be made to 49 C.F.R. 390.44:

(A) The following revisions shall be made to paragraph (a):

(i) The phrase “listed in §392.7(b) of this ~~subchapter~~ chapter” shall be deleted and replaced by “specified in K.A.R. 82-4-3h.”

(ii) The phrase “pursuant to §392.7(b)” shall be deleted and replaced by “K.A.R. 82-4-3h.”

(B) The following revisions shall be made to paragraph (b):

(i) The phrase “listed in §392.7(b) of this ~~subchapter~~ chapter” shall be deleted and replaced by “adopted and specified in K.A.R. 82-4-3h.”

(ii) The phrase “with §392.7(b)” shall be deleted and replaced by “with K.A.R. 82-4-3h.”

(C) The following revisions shall be made to paragraph (c):

(i) The term “FMCSA” shall be deleted and replaced by “the commission.”

(ii) The phrase “~~under~~ 49 U.S.C. 31151 or the implementing regulations in this subchapter regarding interchange of intermodal equipment by contacting the appropriate FMCSA Field Office” shall be deleted and replaced by “~~adopted in this subchapter~~ K.A.R. 82-4-3a through K.A.R. 82-4-3o and K.A.R. 82-4-20 by filing a written complaint with the commission by: fax –785-271-3124; email: trucking_complaint_questions@kcc.ks.gov; or by mail addressed to: 1500 SW Arrowhead Rd, Topeka, KS 66604-3124. The commission may also be contacted by phone number: 785.271.3145, select option one.”

(18) 49 C.F.R. 390.46 shall be deleted.

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. ~~2010~~ 2012 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. ~~2010~~ 2012 Supp. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Oct. 8, 2010; amended Nov. 14, 2011; amended P-_____.)

82-4-3g. Qualifications of drivers. (a) With the following exceptions, 49 C.F.R. Part 391, as in effect on ~~October 1, 2009~~ January 30, 2012, is hereby adopted by reference:

(1) In 49 C.F.R. 391.2(e), the phrase "Sec. 390.5" shall be deleted and replaced by "49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f." In 49 C.F.R. 391.1, the phrase "this part" shall be deleted and replaced with "49 C.F.R. Part 391 as adopted by K.A.R. 82-4-3g."

(2) The following revisions shall be made to 49 C.F.R. 391.2:

(A) In paragraph (a), the phrase "§ 391.15(e)" shall be deleted and replaced with "49 C.F.R. 391.15(e) as adopted by K.A.R. 82-4-3g."

(B) In paragraph (b), the phrase "§ 391.15(e) and (g)" shall be deleted and replaced with "49 C.F.R. 391.15(e) and (g) as adopted by K.A.R. 82-4-3g."

(C) The following revisions shall be made to paragraph (c):

(i) The phrase "§ 391.15(e) and (g)" shall be deleted and replaced with "49 C.F.R. 391.15(e) and (g) as adopted by K.A.R. 82-4-3g."

(ii) The phrase “§ 390.5 of this chapter” shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.”

(iii) The phrase “§ 391.67” shall be deleted and replaced with “49 C.F.R. 391.67 as adopted by K.A.R. 82-4-3g.”

(3) The following revisions shall be made to 49 C.F.R. 391.11:

(A) In paragraph (a), the phrase “§ 391.63” shall be deleted and replaced with “49 C.F.R. 391.63 as adopted by K.A.R. 82-4-3g.”

(B) In paragraph (b), the phrase “subpart G of this part” shall be deleted and replaced with “Subpart G of 49 C.F.R. Part 391 as adopted by K.A.R. 82-4-3g.”

~~(2)~~(C) 49 C.F.R. 391.11(b)(1) shall apply only to commercial motor vehicle operations in interstate commerce.

(D) In paragraph (b)(4), the phrase “subpart E—Physical Qualifications and Examinations of this part” shall be deleted and replaced with “Subpart E of 49 C.F.R. Part 391 as adopted by K.A.R. 82-4-3g.”

(E) In paragraph (b)(6), the phrase “§ 391.27” shall be deleted and replaced with “49 C.F.R. 391.27 as adopted by K.A.R. 82-4-3g.”

(F) In paragraph (b)(7), the phrase “§ 391.15” shall be deleted and replaced with “49 C.F.R. 395.15 as adopted by K.A.R. 82-4-3g.”

(G) In paragraph (b)(8), the phrase “§ 391.31” shall be deleted and replaced with “49 C.F.R. 391.31 as adopted by K.A.R. 83-4-3g,” and the phrase “§ 391.33” shall be deleted and replaced with 49 C.F.R. 391.33 as adopted by K.A.R. 82-4-3g.”

~~(3)~~(4) In 49 C.F.R. 391.13, the phrase “~~See~~ §§ 392.9(a) and 393.9 of this subchapter” shall be deleted and replaced by “49 C.F.R. 392.9(a), as adopted by K.A.R. 82-4-3h, and 49 C.F.R. 393.9, as adopted by K.A.R. 82-4-3i.”

~~(4)~~(5) The following revisions shall be made to 49 C.F.R. 391.15:

(A) In paragraphs (c)(1)(i) and (c)(2)(iii), the phrase “~~See~~ § 395.2 of this subchapter” shall be deleted and replaced by “49 C.F.R. 395.2(a), as adopted by K.A.R. 82-4-3a.”

(B) In paragraph (c)(2)(i)(C), the phrase “§ 391.15(c)(2)(i)(A) or (B), or 392.5(a)(2)” shall be deleted and replaced by “49 C.F.R. 391.15(c)(2)(i)(A) or (B) as adopted by K.A.R. 82-4-3g or 49 C.F.R. 392.5(a)(2), as adopted by K.A.R. 82-4-3h.”

(C) In paragraphs (c)(2)(ii) and (iii), the phrase “as adopted by K.A.R. 82-4-3h(b)” shall be added after the phrase “21 C.F.R. 1308.11 Schedule I.”

(D) In paragraphs (e)(1), (e)(2)(i), and (e)(2)(ii), the phrase “§ 392.80(a)” shall be deleted and replaced with “49 C.F.R. 392.80(a) as adopted by K.A.R. 82-4-3h.”

(E) In paragraphs (f)(1), (f)(2)(i), and (f)(2)(ii), the phrase “§ 392.82(a)” shall be deleted and replaced with “49 C.F.R. 392.82(a) as adopted by K.A.R. 82-4-3h.”

(6) The following revisions shall be made to 49 C.F.R. 391.21:

(A) In paragraph (b)(10)(iv)(B), the term “DOT” shall be deleted and replaced by “commission,” and the phrase “as adopted by K.A.R. 82-4-3b” shall be inserted after the phrase “49 C.F.R. Part 40.”

~~(5)~~(B) In ~~49 C.F.R. 391.21~~ paragraph (b)(11), the phrase “as defined by Part 383 of this subchapter” shall be deleted.

(C) The phrase “§ 391.23” shall be deleted and replaced with “49 C.F.R. 391.23 as adopted by K.A.R. 82-4-3g,” and the phrase “§ 391.23(i)” shall be deleted and replaced with “49 C.F.R. 391.23(i) as adopted by K.A.R. 82-4-3g.”

~~(6)~~(7) The following changes shall be made to 49 C.F.R. 391.23:

(A) In paragraph (a), the phrase “subpart G of this part” shall be deleted and replaced with “Subpart G of 49 C.F.R. Part 391 as adopted by K.A.R. 82-4-3g.”

(B) In paragraph (a)(2), (h)(i)(1) and (h)(iii)(2), the term “U.S.” shall be inserted before the phrase “Department of Transportation.” The phrase “or commission” shall be inserted after the phrase “Department of Transportation.”

(C) In paragraph (b), the phrase “§ 391.51” shall be deleted and replaced with “49 C.F.R. 391.51 as adopted by K.A.R. 82-4-3g.”

(D) In paragraph (c)(2), the phrase “§ 391.53” shall be deleted and replaced with “49 C.F.R. 393.51 as adopted by K.A.R. 82-4-3g.”

~~(B)~~(E) Paragraph (c)(3) shall be deleted and replaced by the following: “Prospective employers shall submit a report noting any failure of a previous employer to respond to an inquiry into a driver’s safety performance history to the commission.

“(A) Reports shall be addressed to the Director, Transportation Division, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, KS 66604.

“(B) Reports shall be submitted to the commission within 90 days after the inquiry was submitted to the previous employer.

“(C) Reports must be signed by the prospective employer submitting the report and must include the following information:

“(i) The name, address, and telephone number of the person who files the report;

“(ii) The name and address of the previous employer who has failed to respond to the inquiry into a driver’s safety performance history;

“(iii) A concise but complete statement of the facts, including the date the inquiry was sent to the previous employer, the method by which the inquiry was sent, and the dates of any follow-up communications with the previous employer.”

~~(C)~~ (F) In paragraphs (c)(4), (e), and (g)(1), the term “U.S.” shall be inserted before the term “DOT” and the phrase “or commission” shall be inserted after the term “DOT.”

~~(D)~~ (G) In paragraph (d)(2), the phrase “~~See~~ § 390.15(b)(1) of this chapter” shall be deleted and replaced by “49 C.F.R. 390.15(b)(1), as adopted by K.A.R. 82-4-3f.”

~~(E)~~ (H) In paragraph (d)(2)(i), the phrase “~~See~~ § 390.5 of this chapter” shall be deleted and replaced by “49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f.”

~~(F)~~ (I) In paragraph (d)(2)(ii), the phrase “~~See~~ § 390.15(b)(2)” shall be deleted and replaced by “49 C.F.R. 390.15(b)(2), as adopted by K.A.R. 82-4-3f.”

~~(G)~~ (J) In paragraph (e), the phrase “, as adopted by K.A.R. 82-4-3b” shall be added at the end of the last sentence.

~~(H)~~ (K) In paragraph (e)(1), the phrase “part 382 of this subchapter” shall be deleted and replaced by “49 C.F.R. part 382, as adopted by K.A.R. 82-4-3c.” The phrase “, as adopted by K.A.R. 82-4-3b” shall be inserted at the end of the last sentence.

~~(J)~~ (L) In paragraph (e)(2), the phrase “~~See. § 382.605 of this subpart chapter~~” shall be deleted and replaced by “49 C.F.R. 382.605, as adopted by K.A.R. 82-4-3c.” The phrase “part 40, subpart O” shall be deleted and replaced by “40.281 through 49 C.F.R. 40.313, as adopted by K.A.R. 82-4-3b.”

(M) In paragraph (e)(3), the phrase “§ 382.605” shall be deleted and replaced with “49 C.F.R. 382.605, as adopted by K.A.R. 82-4-3c.” The phrase “part 40, subpart O” shall be deleted and replaced by “49 C.F.R. 40.281 through 40.313, as adopted by K.A.R. 82-4-3b.”

~~(J)~~ (N) In paragraph (f), the term “~~See. § 40.321(b)~~” shall be deleted and replaced by “49 C.F.R. 40.321(b), as adopted by K.A.R. 82-4-3b.”

~~(K)~~ (O) In paragraph (j)(6), the following changes shall be made:

(i) In the first sentence, the comma following the phrase “safety performance information” shall be deleted, and the following text shall be inserted at the end of the first sentence: “if the previous employer is an interstate motor carrier, the driver may submit a complaint.”

(ii) The term “~~See. § 386.12~~” shall be deleted and replaced with “49 C.F.R. 386.12.”

(iii) The following sentence shall be inserted at the end of the paragraph: “If the motor carrier is a Kansas-based interstate motor carrier, or an intrastate motor carrier, the driver may submit such report in writing to Director, Transportation Division, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, KS 66604.”

(P) In paragraph (m)(1), the phrase “§ 391.43” shall be deleted and replaced with “49 C.F.R. 391.43 as adopted by K.A.R. 82-4-3g.”

(Q) In paragraph (m)(2), the phrase “part 383 of this chapter” shall be deleted and replaced with “the Kansas uniform commercial drivers’ license act, found at K.S.A. 8-2,125 et seq.”

(R) In paragraph (m)(2)(i)(A), the phrase “in accordance with §§ 383.71(a)(1)(ii) and 383.71(g) of this chapter” shall be deleted.

(S) In paragraph (m)(2)(i)(B), the phrase “in accordance with § 383.73(a)(5) of this chapter” shall be deleted.

(8) The following revisions shall be made to 49 C.F.R. 391.25:

(A) In paragraph (b), the phrase “§ 391.15” shall be deleted and replaced with “49 C.F.R. 391.15 as adopted by K.A.R. 82-4-3g.”

~~(7)(B)~~ In ~~49 C.F.R. 391.25~~ paragraph (b)(1), the phrase “Federal Motor Carrier Safety Regulations in this subchapter or hazardous materials regulations (49 CFR chapter 1, subchapter C)” shall be deleted and replaced by “commission motor carrier safety regulations as adopted by K.A.R. 82-4-20.”

~~(8)~~ (9) The following revisions shall be made to 49 C.F.R. 391.27:

(A) In paragraph (c), the words “be prescribed by the motor carrier. The following form may be used to comply with this section” shall be deleted and replaced by “read substantially as follows.”

(B) Paragraph (e) shall be deleted.

(10) The following revisions shall be made to 49 C.F.R. 391.31:

(A) In paragraph (c), the phrase “of 49 C.F.R. Part 391 as adopted by K.A.R. 82-4-3g” shall be added after the phrase “subpart G.”

(B) In 49 C.F.R. 391.31(c)(1), the phrase “§ 392.7 of this subchapter” shall be deleted and replaced with “49 C.F.R. 392.7 as adopted by K.A.R. 82-4-3h.”

(11) The following revisions shall be made to 49 C.F.R. 391.33:

(A) In paragraph (a), the phrase “§ 391.31” shall be deleted and replaced with “49 C.F.R. 391.31 as adopted by K.A.R. 82-4-3g.”

(9)(B) In ~~49 C.F.R. 391.33~~ paragraph (a)(1), the phrase “~~See~~ § 383.5 of this subchapter” shall be deleted and replaced by “K.S.A. 8-234b and amendments thereto.”

(C) In paragraph (a)(2), the phrase “§ 391.31” shall be deleted and replaced with “49 C.F.R. 391.31 as adopted by K.A.R. 82-4-3g.”

~~(40)~~ (12) The following revisions shall be made to 49 C.F.R. 391.41:

(A) ~~The paragraph that appears between paragraphs (a) and (b) shall be deleted.~~ The following revisions shall be made to paragraph (a)(2)(ii):

(i) The phrase “part 383 of this chapter” shall be deleted and replaced with the Kansas uniform commercial drivers’ license act, found at K.S.A. 8-2,125 et seq.”

(ii) The phrase “in accordance with § 383.71(h) of this chapter” shall be deleted.

(iii) The phrase “§ 391.43(h)” shall be deleted and replaced with “49 C.F.R. 391.43(h) as adopted by K.A.R. 82-4-3g.”

(B) In paragraph (a)(2)(ii), the phrase “by § 383.71(h)” shall be deleted. The phrase “medical variance” shall be deleted and replaced with “medical waiver,” and the phrase “FMCSA” shall be deleted and replaced with “the commission.”

(C) In paragraphs (a)(3)(i) and (ii), the phrase “§ 391.43” shall be deleted and replaced with “49 C.F.R. 391.43 as adopted by K.A.R. 82-4-3g.”

(D) In paragraphs (b)(1) and (b)(2)(ii), the phrase “§ 391.49” shall be deleted and replaced with “49 C.F.R. 391.49 as adopted by K.A.R. 82-4-3g.”

~~(B)~~(E) In paragraph (b)(11), the clause “when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5 1951” shall be deleted.

~~(C)~~(F) In paragraph (b)(12)(i), the phrase “as adopted by K.A.R. 82-4-3h” shall be added after the phrase “21 C.F.R. 1308.11 Schedule I.”

(G) In paragraph (b)(12)(ii), the phrase “licensed medical practitioner, as defined in § 382.107” shall be deleted and replaced with “licensed medical examiner, as defined in K.A.R. 82-4-1.”

~~(14)~~ (13) The following changes shall be made to 49 C.F.R. 391.43:

(A) In paragraph (a), the phrase “licensed medical examiner as defined in ~~See~~ § 390.5 of this subchapter” shall be deleted and replaced by “licensed medical ~~practitioner~~ examiner, as defined by K.A.R. 82-4-1.”

(B) In paragraph (b), the phrase “licensed optometrist” shall be deleted and replaced by “licensed medical ~~practitioner~~ examiner, as defined by K.A.R. 82-4-1.”

(C) In paragraph (d), the phrase “§ 391.62” shall be deleted and replaced with “49 C.F.R. 391.62 as adopted by K.A.R. 82-4-3g.”

(D) In paragraph (e), the phrase “§ 391.64” shall be deleted and replaced with “49 C.F.R. 391.64 as adopted by K.A.R. 82-4-3g.”

(E) The last sentence of paragraph (f) shall be deleted.

~~(D)~~ (F) In the portion titled “Extremities” in paragraph (f), the words “Field Service Center of the FMCSA, for the State in which the driver has legal residence” shall be deleted and replaced by “commission.”

(G) In paragraph (g)(1), the phrase “§ 391.41(b)” shall be deleted and replaced with “49 C.F.R. 391.41(b) as adopted by K.A.R. 82-4-3g.”

~~(E)~~ (H) The last sentence of paragraph (h) shall be deleted.

~~(F)~~ (I) The editorial note found after paragraph (h) shall be deleted.

(14) The following revisions shall be made to 49 C.F.R. 391.45:

(A) In the first paragraph, the phrase “§ 391.67” shall be deleted and replaced with “49 C.F.R. 391.67 as adopted by K.A.R. 82-4-3g.” The phrase “§ 391.43” shall be deleted and replaced with “49 C.F.R. 391.43 as adopted by K.A.R. 82-4-3g.”

(B) In paragraph (b)(2), the phrase “§ 391.62” shall be deleted and replaced with “49 C.F.R. 391.62 as adopted by K.A.R. 82-4-3g.” The phrase “§ 391.64” shall be deleted and replaced with “49 C.F.R. 391.64 as adopted by K.A.R. 82-4-3g.”

~~(12)~~ (15) The following revisions shall be made to 49 C.F.R. 391.47:

(A) Paragraph (b)(8) shall be deleted.

(B) In paragraph (b)(9), the words “or intrastate” shall be inserted following the word “interstate.”

(C) In paragraphs (c) and (d), the phrase “Director, Office of the Bus and Truck Standards and Operations (MC-PSD~~PSD~~)” shall be deleted and replaced by the phrase “director of the commission’s transportation division.”

(D) The last two sentences of paragraph (e) shall be deleted and replaced by the following sentence: “Petitions shall be filed in accordance with K.A.R. ~~82-1-225~~ 82-1-235 and K.S.A. 77-601 et seq.”

(E) In paragraph (f), the first two occurrences of the phrase “Director, Office of the Bus and Truck Standards and Operations (MC-PSD~~PSD~~)” shall be deleted and replaced by the phrase “director of the commission’s transportation division.” The clause “or until the Director, Office of Bus and Truck Standards and Operations (MC-PSD~~PSD~~) orders otherwise” shall be deleted.

~~(13)~~ (16) The following revisions shall be made to 49 C.F.R. 391.49:

(A) In paragraph (a), the phrase “§ 391.41(b)(1) or (b)(2)” shall be deleted and replaced with “49 C.F.R. 391.41(b)(1) or (b)(2) as adopted by K.A.R. 82-4-3g.”

(B) The phrase “Division Administrator, FMCSA” in paragraph (a) and the phrase “State Director, FMCSA” in paragraphs (g), (h), (j)(1), and (k) shall be deleted and replaced by “director of the commission’s transportation division.”

~~(B)~~ (C) The remainder of paragraph (b)(2) after “The application must be addressed to” shall be deleted and replaced by “: Director of the Transportation Division, Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, KS 66604.”

~~(C)~~ (D) In paragraph (b)(3), the words “field service center, FMCSA, for the state in which the driver has legal residence” shall be deleted and replaced by “director of the commission’s transportation division at the address provided in paragraph (b)(2).”

~~(D)~~ (E) Paragraph (c)(2)(i) shall be deleted.

(F) The following revisions shall be made to paragraph (d):

(i) In paragraph (d)(1), the phrase “§ 391.43” shall be deleted and replaced with “49 C.F.R. 391.43 as adopted by K.A.R. 82-4-3g.”

(ii) In paragraph (d)(2), the phrase “§ 391.43(h)” shall be deleted and replaced with “49 C.F.R. 391.43(h) as adopted by K.A.R. 82-4-3g.”

(iii) In paragraph (d)(3)(i), the phrase “§ 391.41(b)(1)” shall be deleted and replaced with “49 C.F.R. 391.41(b)(1) as adopted by K.A.R. 82-4-3g.”

(iv) In paragraph (d)(3)(ii), the phrase “§ 391.41(b)(2)” shall be deleted and replaced with “49 C.F.R. 391.41(b)(2) as adopted by K.A.R. 82-4-3g.”

(v) In paragraph (d)(5)(i), the phrase “§ 391.31(b)” shall be deleted and replaced with “49 C.F.R. 391.31(b) as adopted by K.A.R. 82-4-3g.”

(vi) In paragraph (d)(6)(i), the phrase “§ 391.21” shall be deleted and replaced with “49 C.F.R. 391.21 as adopted by K.A.R. 82-4-3g.”

~~(E)~~ (G) The phrase “Medical Program Specialist, FMCSA service center” in paragraph (e)(1), the words “Medical Program Specialist, FMCSA for the State in which the carrier’s principal place of business is located” in paragraph (e)(1)(i), and the words “Medical Program Specialist, FMCSA service center, for the State in which the driver has legal residence” in

paragraph (e)(1)(ii) shall be deleted and replaced by “director of the transportation division of the commission.”

~~(F)~~ (H) In paragraph (i), the words between “submitted to the” and “The SPE certificate renewal application” shall be deleted and replaced by “director of the transportation division of the commission.”

(I) In paragraph (i)(8), the phrase “§391.41(b)(1)” shall be deleted and replaced with “49 C.F.R. 391.41(b)(1) as adopted by K.A.R. 82-4-3g” and the phrase “§391.41(b)(2)” shall be deleted and replaced with “49 C.F.R. 391.41(b)(2) as adopted by K.A.R. 82-4-3g.”

~~(G)~~ (J) The following revisions shall be made to paragraph (j)(2):

(i) The words “State Director, FMCSA, for the State where the driver applicant has legal residence” shall be deleted and replaced by “director of the transportation division of the commission.”

(ii) The phrase “the following form” shall be deleted and replaced by “a form substantially similar to the following.”

(iii) The phrase “subchapter B of the Federal Motor Carrier Safety Regulations” shall be deleted and replaced by the phrase “as adopted by K.A.R. 82-4-3g.”

(iv) The term “FMCSRs” shall be deleted and replaced by “commission’s regulations regarding motor carrier safety.”

~~(14)~~ (17) The following revisions shall be made to 49 C.F.R. 391.51~~(b)(8)~~:

(A) In paragraph (b)(1), the phrase “§ 391.21” shall be deleted and replaced with “49 C.F.R. 391.21 as adopted by K.A.R. 82-4-3g.”

(B) In paragraph (b)(2), the phrase “§ 391.23(a)(1)” shall be deleted and replaced with “49 C.F.R. 391.23(a)(1) as adopted by K.A.R. 82-4-3g.”

(C) In paragraph (b)(3), the phrase “§ 391.31(e)” shall be deleted and replaced with “49 C.F.R. 391.31(e) as adopted by K.A.R. 82-4-3g.” The phrase “§ 391.33” shall be deleted and replaced with “49 C.F.R. 391.33 as adopted by K.A.R. 82-4-3g.”

(D) In paragraph (b)(4), the phrase “§ 391.25(a)” shall be deleted and replaced with “49 C.F.R. 391.25(a) as adopted by K.A.R. 82-4-3g.”

(E) In paragraph (b)(5), the phrase “§ 391.25(c)(2)” shall be deleted and replaced with “49 C.F.R. 391.25(c)(2) as adopted by K.A.R. 82-4-3g.”

(F) In paragraph (b)(6), the phrase “§ 391.27” shall be deleted and replaced with “49 C.F.R. 391.27 as adopted by K.A.R. 82-4-3g.”

(G) In paragraph (b)(7)(i), the phrase “§ 391.43(g)” shall be deleted and replaced with “49 C.F.R. 391.43(g) as adopted by K.A.R. 82-4-3g.”

(H) In paragraph (b)(7)(ii), the phrase “defined at § 384.105 of this chapter” shall be deleted.

(I) In paragraph (b)(7)(iii), the phrase “§ 391.51(b)(8)” shall be deleted and replaced with “49 C.F.R. 391.51(b)(8) as adopted by K.A.R. 82-4-3g.”

(J) The following revisions shall be made to paragraph (b)(8):

(A)(i) The phrase “Field Administrator, Division Administrator, or State Director” shall be deleted and replaced by “the director of the transportation division of the commission.”

(ii) The phrase “§ 391.49” shall be deleted and replaced with “49 C.F.R. 391.49 as adopted by K.A.R. 82-4-3g.”

~~(B)~~ (iii) The phrase “or under K.A.R. 82-4-6d” shall be added at the end of the paragraph.

(K) In paragraph (d)(1), the phrase “§ 391.25(a)” shall be deleted and replaced with “49 C.F.R. 391.25(a) as adopted by K.A.R. 82-4-3g.”

(L) In paragraph (d)(2), the phrase “§ 391.25(c)(2)” shall be deleted and replaced with “49 C.F.R. 391.25(c)(2) as adopted by K.A.R. 82-4-3g.”

(M) In paragraph (d)(3), the phrase “§ 391.27” shall be deleted and replaced with “49 C.F.R. 391.27 as adopted by K.A.R. 82-4-3g.”

(N) In paragraph (d)(4), the phrase “§ 391.43(g)” shall be deleted and replaced with “49 C.F.R. 391.43(g) as adopted by K.A.R. 82-4-3g.” The phrase “§ 391.51(b)(7)(ii)” shall be deleted and replaced with “49 C.F.R. 391.51(b)(7)(ii) as adopted by K.A.R. 82-4-3g.”

(O) Paragraph (d)(5) shall be deleted and replaced with the following: “Any medical waiver issued by the commission, including a Skill Performance Evaluation Certificate issued in accordance with 49 C.F.R. 391.49 as adopted by K.A.R. 82-4-3g, or the Medical Exemption letter issued by a Federal medical program in accordance with 49 C.F.R. Part 381.”

(18) The following revisions shall be made to 49 C.F.R. 391.53:

(A) In paragraph (a), the phrase “§ 391.23” shall be deleted and replaced with “49 C.F.R. 391.23 as adopted by K.A.R. 82-4-3g.”

(B) In paragraph (b)(1), the phrase “§ 391.23(d)” shall be deleted and replaced with “49 C.F.R. 391.23(d) as adopted by K.A.R. 82-4-3g.”

(C) In paragraph (b)(2), the phrase “§ 391.23” shall be deleted and replaced with “49 C.F.R. 391.23 as adopted by K.A.R. 82-4-3g.”

~~(15)~~ (19) In 49 C.F.R. 391.55, the ~~clause~~ text “as in effect on October 1, 2011,” which are hereby adopted by reference” shall be inserted at the end of paragraph (b)(1).

(20) The following revisions shall be made to 49 C.F.R. 391.61:

(A) The phrase “§ 391.21” shall be deleted and replaced with “49 C.F.R. 391.21 as adopted by K.A.R. 82-4-3g.”

(B) The phrase “§ 391.23” shall be deleted and replaced with “49 C.F.R. 391.23 as adopted by K.A.R. 82-4-3g.”

(C) The phrase “§ 391.33” shall be deleted and replaced with “49 C.F.R. 391.33 as adopted by K.A.R. 82-4-3g.”

(D) The phrase “§ 390.5 of this subchapter” shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.”

~~(16)~~ (21) The following revisions shall be made to 49 C.F.R. 391.62:

(A) In the first paragraph, the phrase “§§ 391.11(b)(1) and 391.41(b)(1) through (b)(11)” shall be deleted and replaced with “49 C.F.R. 391.11(b)(1) and 391.41(b)(1) through (b)(11) as adopted by K.A.R. 82-4-3g.”

(B) In paragraph (c), the phrase “, as adopted by K.A.R. 82-4-3f” shall be added after the phrase “49 C.F.R. 390.5.”

~~(B)~~ (C) In paragraph (d), the phrase “under regulations issued by the Secretary under 49 U.S.C. chapter 51” shall be deleted and replaced by “under the regulations adopted by K.A.R. 82-4-20.”

~~(C)~~ (D) In paragraph (e)(1), the phrase “Federal Motor Carrier Safety Regulations” shall be deleted and replaced by “commission’s motor carrier regulations found in Article 4.”

(22) The following revisions shall be made to 49 C.F.R. 391.63:

(A) In paragraph (a), the phrase “§ 390.5” shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.”

(B) In paragraph (a)(1), the phrase “§ 391.21” shall be deleted and replaced with “49 C.F.R. 391.21 as adopted by K.A.R. 82-4-3g.”

(C) In paragraph (a)(2), the phrase “§ 391.23” shall be deleted and replaced with “49 C.F.R. 391.23 as adopted by K.A.R. 82-4-3g.”

(D) In paragraph (a)(3), the phrase “§ 391.25(a)” shall be deleted and replaced with “49 C.F.R. 391.25(a) as adopted by K.A.R. 82-4-3g.”

(E) In paragraph (a)(4), the phrase “§ 391.25(b)” shall be deleted and replaced with “49 C.F.R. 391.25(b) as adopted by K.A.R. 82-4-3g.”

(F) In paragraph (a)(5), the phrase “§ 391.27” shall be deleted and replaced with “49 C.F.R. 391.27 as adopted by K.A.R. 82-4-3g.”

~~(17)~~ (23) 49 C.F.R. 391.64 shall be revised as follows:

(A) In paragraph (a), the phrase “§ 391.41(b)(3)” shall be deleted and replaced with “49 C.F.R. 391.41(b)(3) as adopted by K.A.R. 82-4-3g.”

~~(B)~~ (D) In paragraph (a)(1)(i), the phrase “§ 391.41” shall be deleted and replaced with “49 C.F.R. 391.41 as adopted by K.A.R. 82-4-3g.”

~~(C)~~ In paragraph (a)(2)(iii), the phrase “an authorized agent of the FMCSA” shall be deleted and replaced by “the director of the transportation division of the commission.”

~~(B)~~ (D) In paragraphs (a)(2)(v) and (b)(3), the phrase “duly authorized federal, state or local enforcement official” shall be deleted and replaced by the phrase “any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforcement officer in the state who has been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.”

~~(E)~~ (F) In paragraph (b), the phrase “§ 391.41(b)(10)” shall be deleted and replaced with “49 C.F.R. 391.41(b)(10) as adopted by K.A.R. 82-4-3g.”

~~(F)~~ (G) In paragraph (b)(1)(i), the phrase “§ 391.41” shall be deleted and replaced with “49 C.F.R. 391.41 as adopted by K.A.R. 82-4-3g.”

~~(18)~~ (24) The form set out in 49 C.F.R. 391.65 shall be revised as follows:

(A) The phrase “as adopted by K.A.R. 82-4-3f” shall be added after the phrase “See, § 390.5.”

(B) The phrase “Federal Motor Carrier Safety Regulations” shall be deleted and replaced by the phrase “as adopted by K.A.R. 82-4-3g.”

~~(19)~~ (25) 49 C.F.R. 391.67 shall be deleted.

~~(20)~~ (26) ~~In 49 C.F.R. 391.68(a), “(b)(1)” shall be deleted.~~ The following revisions shall be made to 49 C.F.R. 391.68:

(A) In paragraph (a), the phrase “Section 391.11(b)(1), (b)(6) and (b)(8)” shall be deleted and replaced with “49 C.F.R. 391.11(b)(1), (b)(6) and (b)(8) as adopted by K.A.R. 82-4-3g.”

(B) In paragraph (b), the phrase “Subpart C” shall be deleted and replaced with “49 C.F.R. 391.21 through 391.27 as adopted by K.A.R. 82-4-3g.”

(C) In paragraph (c), the phrase “§§ 391.41 and 391.45” shall be deleted and replaced with “49 C.F.R. 391.41 and 391.45 as adopted by K.A.R. 82-4-3g.”

(D) In paragraph (d), the phrase “Subpart F” shall be deleted and replaced with “49 C.F.R. 391.51 through 391.55 as adopted by K.A.R. 82-4-3g.”

(27) The following revisions shall be made to 49 C.F.R. 391.69:

(A) The phrase “§ 391.21” shall be deleted and replaced with “49 C.F.R. 391.21 as adopted by K.A.R. 82-4-3g.”

(B) The phrase “§ 391.23” shall be deleted and replaced with “49 C.F.R. 391.23 as adopted by K.A.R. 82-4-3g.”

(C) The phrase “§ 391.31” shall be deleted and replaced with “49 C.F.R. 391.31 as adopted by K.A.R. 82-4-3g.”

(21)(D) In 49 C.F.R. 391.69, The phrase “See. § 390.5 of this subchapter” shall be deleted and replaced by “49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f.”

(E) The term “(business)” shall be deleted.

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in

article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2010 2012 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. ~~2010 2012~~ Supp. 66-1,129; ~~implementing K.S.A. 2010 Supp. 66-1,112, K.S.A. 66-1,112g, K.S.A. 2010 Supp. 66-1,129~~; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Nov. 14, 2011; amended P-_____.)

82-4-3h. Driving of commercial motor vehicles. (a) With the following exceptions, 49 C.F.R. Part 392, as in effect on ~~October 1, 2007~~ December 2, 2011, is hereby adopted by reference:

(1) In 49 C.F.R. 392.2, the words after the word "jurisdiction," including the last sentence of this section, shall be deleted and replaced by "of the state of Kansas."

(2) 49 C.F.R. 392.4 shall be revised as follows:

(A) Paragraph (a)(1) shall be deleted and replaced by the following: "(1) Any substance listed in schedule I of 21 C.F.R. 1308.11, which is hereby adopted by reference as in effect on April 1, ~~2007~~ 2011."

(B) In paragraph (c), the phrase "~~See~~ § 382.107 of this subchapter" shall be deleted and replaced by "49 C.F.R. 382.107, as adopted by K.A.R. 82-4-3c."

(3) 49 C.F.R. 392.5 shall be revised as follows:

(A) In paragraph (a)(1), the phrase "~~See~~ § 382.107 of this subchapter" shall be deleted and replaced by "49 C.F.R. 382.107, as adopted by K.A.R. 82-4-3c."

(B) In paragraph (a)(3), the phrase "and hereby adopted by reference as in effect on July 1, ~~2008~~ 2011" shall be added after the phrase "26 U.S.C. 5052(a)."

(C) In paragraph (a)(3), the phrase “section 5002(a)(8), of such Code” shall be deleted and replaced by “26 U.S.C. 5002(a)(8), hereby adopted by reference as in effect on July 1, 2008 2011.”

(D) In paragraph (d)(2), a period shall be placed after the phrase “affirmation of the order”; the remainder of the paragraph shall be deleted.

(E) Paragraph (e) shall be deleted and replaced by the following: “(e) Any driver who is subject to an out of service order may petition for reconsideration of that order in accordance with K.A.R. 82-1-235 and the provisions of the ~~act for judicial review and civil enforcement of agency actions~~ Kansas Judicial Review Act, found at K.S.A. 77-601 et seq.”

(4) In 49 C.F.R. 392.8, the phrase “~~See~~ § 393.95 of this subchapter” shall be deleted and replaced by “49 C.F.R. 393.95, as adopted by K.A.R. 82-4-3i.”

(5) In 49 C.F.R. 392.9(a)(1), the phrase “~~Sees~~ §§ 393.100 through 393.136 of this subchapter” shall be deleted and replaced by “49 C.F.R. 393.100 through 393.136, as adopted by K.A.R. 82-4-3i.”

(6) ~~49 C.F.R. 392.9a(b) shall be deleted.~~ The following revisions shall be made to 49 C.F.R. 392.9a:

(A) In paragraph (b), the last sentence shall be deleted.

(B) In paragraph (c), the phrase “5 U.S.C. 554 not later than 10 days after issuance of such order” shall be deleted and replaced with “K.A.R. 82-1-235 and the provisions of the Kansas Judicial Review Act, found at K.S.A. 77-601 et seq.”

(7) 49 C.F.R. 392.10 shall be revised as follows:

(A) In paragraph (a)(4), the phrase “Parts 107 through 180 of this title” shall be deleted and replaced by “49 C.F.R. 107.105, 107.502, and Parts 171, 172, 173, 177, 178, and 180, as adopted by K.A.R. 82-4-20.”

(B) In paragraph (a)(5), the phrase “~~See~~ § 173.120 of this title” shall be deleted and replaced by “49 C.F.R. 173.120, as adopted by K.A.R. 82-4-20.”

(C) In paragraph (a)(6), the phrase “subpart B of part 107 of this title” shall be deleted and replaced by “49 C.F.R. 107.105, as adopted by K.A.R. 82-4-20.”

(D) In paragraph (b)(1), the phrase “~~See~~ § 390.5 of this chapter” shall be deleted and replaced by “49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f.”

(8) In 49 C.F.R. 392.11, the phrase “§ 392.10” shall be deleted and replaced with “49 C.F.R. 392.10 as adopted by K.A.R. 82-4-3h.”

(9) The phrase “~~See~~ § 393.95 of this subchapter” in 49 C.F.R. 392.22(b) shall be deleted and replaced by “49 C.F.R. 393.95, as adopted by K.A.R. 82-4-3i.”

(10) In 49 C.F.R. 392.25, the phrase “§ 392.22(b)” shall be deleted and replaced with “49 C.F.R. 392.22(b) as adopted by K.A.R. 82-4-3h.”

(9) (11) In 49 C.F.R. ~~393.33~~ 392.33, the phrase “subpart B of part 393 of this title” shall be deleted and replaced by “49 C.F.R. 393.9 through 393.33, as adopted by K.A.R. 82-4-3i.”

(10) (12) The following revisions shall be made to 49 C.F.R. 392.51:

(A) In paragraph (b), the phrase “as adopted by K.A.R. 82-4-20” shall be inserted after the phrase “Parts 171, 172, 173, and 178.”

(B) In paragraph (b), the phrase “hereby incorporated by reference as in effect on July 1, 2008 2011” shall be inserted after the phrase “29 CFR 1910.106.”

~~(14)~~ (13) 49 C.F.R. 392.62 shall be revised as follows:

(A) In paragraph (a), the phrase “~~See~~ § 393.90 of this subchapter” shall be deleted and replaced by “49 C.F.R. 393.90, as adopted by K.A.R. 82-4-3i.”

(B) In paragraph (b), the phrase “~~See~~ § 393.91 of this subchapter” shall be deleted and replaced by “49 C.F.R. 393.91, as adopted by K.A.R. 82-4-3i.”

(14) In 49 C.F.R. 392.80(c), the phrase “as adopted by K.A.R. 82-4-3f” shall be inserted after the phrase “49 C.F.R. 390.5.”

(15) In 49 C.F.R. 392.82, the first instance of the word “highway” shall be deleted and replaced by “highway as defined in K.A.R. 82-4-3f.”

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. ~~2008~~ 2012 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. ~~2008~~ 2012 Supp. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended P-_____.)

82-4-3i. Parts and accessories necessary for safe operation. (a) With the following exceptions, 49 C.F.R. Part 393, as in effect on October 1, ~~2009~~ 2011, is hereby adopted by reference:

(1) In 49 C.F.R. 393.1(a), the phrase “§ 390.5 of this title” in the first sentence shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.” The phrase “§

390.5” in the second sentence shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.”

(2) The following revisions shall be made to 49 C.F.R. 393.5:

(A) The following definition shall be added after the definition of “curb weight”: “DOT C-2, DOT C-3, and DOT C-4. These terms shall be defined by figure 29, found in 49 C.F.R. 571.108 as in effect on October 1, ~~2009~~ 2011, and figure 29 is hereby adopted by reference.”

(B) In the definition of “heater,” the phrase “§177.834(l)(2) of this title” shall be deleted and replaced with “49 C.F.R. 177.834(l)(2) as adopted by K.A.R. 82-4-20.”

(C) In the definition of “heavy hauler trailer,” the phrase “§393.106 of this title” shall be deleted and replaced with “49 C.F.R. 393.106 as adopted by K.A.R. 82-4-3i.”

(D) In the definition of “low chassis vehicle,” the phrase “of ~~See~~ § 571.224 in effect on the date of manufacture, or a subsequent edition” shall be deleted and replaced by “found in S5.1.1, S5.1.2, and S5.1.3 of 49 C.F.R. 571.224, as in effect on October 1, ~~2009~~ 2011, and hereby adopted by reference.”

~~(C)~~ (E) The definition of “manufactured home” shall be deleted and replaced by the following: “Manufactured home means a structure as defined by K.S.A. 58-4202(a), as in effect April 21, 2005 and amendments thereto, and hereby adopted by reference. The term shall also include structures that meet the requirements of K.S.A. 58-4202(a) except the size requirements. These structures shall be considered manufactured homes when the manufacturer files with the transportation division a certification that it intends that these structures shall be considered manufactured homes. The manufacturer shall also certify that, if at any time it manufactures

structures it does not intend to be manufactured homes, it shall identify those structures by a permanent serial number placed on the structure during the first stage of production and that the series of serial numbers for such structures shall be distinguishable on the structures and in its records from the series of serial numbers used for manufactured homes.”

~~(D)~~ (F) The following definition shall be added after the definition of “manufactured home”: “Optically combined. This term refers to two or more lights that share the same body and have one lens totally or partially in common.”

~~(E)~~ (G) The definition for “reflective material” shall be deleted.

~~(F)~~ (H) In the definition of “special purpose vehicle,” the phrase “of ~~See~~ § 571.224 (paragraphs S5.1.1 through S5.1.3), in effect on the date of manufacture or a subsequent edition” shall be deleted and replaced by “found in S5.1.1, S5.1.2, and S 5.1.3 of 49 C.F.R. 571.224, as adopted by reference above.”

~~(2)~~ (3) 49 C.F.R. 393.7 shall be deleted.

(4) The following revisions shall be made to 49 C.F.R. 393.11:

(A) The last two sentences of paragraph (a)(1) shall be deleted and replaced with the following: “All commercial motor vehicles must, at a minimum, meet the requirements of Subpart B of 49 C.F.R. Part 393 in effect at the time of manufacture.”

(B) In paragraph (2), the phrase “§393.11(b)” shall be deleted and replaced with “49 C.F.R. 393.11(b) as adopted by K.A.R. 82-4-3i.”

(C) In the note following table 1, the phrase “§393.22 and S5.4 of 49 C.F.R. 571.108” shall be deleted and replaced with “49 C.F.R. 393.22 as adopted by K.A.R. 82-4-3i.”

(D) In footnote 7 of table 1, the phrase “§393.11” shall be deleted and replaced with “49 C.F.R. 393.11 as adopted by K.A.R. 82-4-3i.”

(E) In footnote 8 of table 1, the phrase “§393.22” shall be deleted and replaced with “49 C.F.R. 393.22 as adopted by K.A.R. 82-4-3i.”

(F) In footnote 12 of table 1, the phrase “§392.22(a)” shall be deleted and replaced with “49 C.F.R. 392.22(a) as adopted by K.A.R. 82-4-3i.”

(G) In footnote 15 of table 1, the phrase “Section 393.11” shall be deleted and replaced with “49 C.F.R. 393.11 as adopted by K.A.R. 82-4-3i.”

~~(3)~~ (5) The following revisions shall be made to 49 C.F.R. 393.13:

(A) In paragraph (a), the phrase “~~See~~ § 390.5 of this subchapter” shall be deleted and replaced by “49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f.” The last two sentences of paragraph (a) shall be deleted.

(B) Paragraph (b) shall be deleted and replaced by the following: “(b) Retroreflective sheeting and reflex reflectors. Unless otherwise preempted by federal law, motor carriers shall retrofit their trailers with a conspicuity system that meets the following requirements:

“(1) Conspicuity systems. Each trailer not exempted from the commission’s safety regulations found in Article 4 of these regulations shall be equipped with either retroreflective sheeting that meets the requirements of paragraph (B), reflex reflectors that meet the requirements of paragraph (C), or a combination of retroreflective sheeting and reflex reflectors that meets the requirements of paragraph (D).

“(2) Retroreflective sheeting.

“(A) Construction. Retroreflective sheeting shall consist of a smooth, flat, transparent exterior film with retroreflective elements embedded or suspended beneath the film so as to form a non-exposed retroreflective optical system.

“(B) Performance requirements. Retroreflective sheeting shall meet the minimum photometric performance requirements specified in Figure 29 as found in 49 C.F.R. 571.108, and adopted by reference above.

“(C) Sheeting pattern. Retroreflective sheeting shall be applied in a pattern of alternating white and red color segments to the sides and rear of each trailer, and to the rear of each truck tractor, and in white to the upper rear corners of each trailer and truck tractor as specified in this paragraph, and, as appropriate, as shown in figures 30-1 through 30-4, or figure 31 found in 49 C.F.R. 571.108. Figures 30-1 through 30-4 and figure 31, as found in 49 C.F.R. 571.108 and as in effect on October 1, ~~2009~~ 2011, are hereby adopted by reference.

“(D) Sheeting length. Except for a segment that is trimmed to clear obstructions or lengthened to provide red sheeting near red lamps, each white or red segment shall have a length of 300 mm plus or minus 150 mm. Neither white nor red sheeting shall represent more than two-thirds of the aggregate of any continuous strip marking the width of a trailer, or any continuous or broken strip marking its length.

“(E) Sheeting width. Retroreflective sheeting shall have a width of not less than 50 mm for grade DOT-C2 sheeting, 75 mm for grade DOT-C3 sheeting, or 100 mm for grade DOT-C4 sheeting.

“(F) Sheeting retroreflection. The coefficients for retroreflection of each segment of red or white sheeting shall not be less than the minimum values specified in Figure 29 as adopted above for grades DOT-C2, DOT-C3, and DOT-C4.

“(G) Location. Retroreflective sheeting shall be applied to each trailer and truck tractor as specified in paragraphs (c) and (d) below, but need not be applied to discontinuous surfaces such as outside ribs, stake post pickets on platform trailers, and external protruding beams, or to items of equipment such as door hinge and lamp bodies on trailers and body joints, stiffening beads, drip rails and rolled surfaces on truck tractors. The edge of white sheeting shall not be located closer than 75 mm to the edge of the luminous lens area of any red or amber lamp that is required by K.A.R. 82-4-3i. The edge of red sheeting shall not be located closer than 75 mm to the edge of the luminous lens area of any amber lamp that is required by K.A.R. 82-4-3i.

“(H) Certification. In order to demonstrate that the retroreflective sheeting meets the standards of paragraphs (B)(i) and (ii), the letters DOT-C2, DOT-C3, or DOT-C4, as appropriate, shall appear at least once on the exposed surface of each white or red segment of reflective sheeting, and at least once every 300 mm on the retroreflective sheeting that is white only. The characters shall not be less than 3 mm high, and shall be permanently stamped, etched, molded, or printed in indelible ink.

“(3) Reflex Reflectors. Each trailer or truck tractor to which paragraph (b)(2)(C) applies that does not conform with either paragraph (B) or paragraph (D) shall be equipped with reflex reflectors as set forth in this paragraph.

“(A) Visibility of reflector by color.

“(i) Red reflex reflector. Each red reflex reflector shall provide, at an observation angle of 0.2 degree, not less than 33 millicandelas per lux at any light entrance angle between 30 degrees left and 30 degrees right, including an entrance angle of 0 degree, and not less than 75 millicandelas per lux at any light entrance angle between 45 degrees left and 45 degrees right.

“(ii) White reflex reflector. Each white reflex reflector shall also provide at an observation angle of 0.2 degree, not less than 1,250 millicandelas per lux at any light angle of 0.2 degree, not less than 1,250 millicandelas per lux at any light entrance angle between 30 degrees left and 30 degrees right, including an entrance angle of 0 degree, and not less than 33 millicandelas per lux at any light entrance angle between 45 degrees left and 45 degrees right. A white reflex reflector complying with this paragraph when tested in a horizontal orientation may be installed in all orientations specified for rear upper locations in paragraphs (viii) element 2, and (x), element 2 above if, when tested in a vertical orientation, it provides an observation angle of 0.2 degree not less than 1,680 millicandelas per lux at a light entrance angle of 0 degree, not less than 1,120 millicandelas per lux at any light entrance angle from 10 degrees down to 10 degrees up, and not less than 560 millicandelas per lux at any light entrance angle from 20 degrees right to 20 degrees left.

“(B) Certification. In order to demonstrate that the retroreflective sheeting meets the standards of K.A.R. 82-4-3i, the letters DOT-C shall appear on the exposed surface of each reflex reflector. The letters shall not be less than 3 mm high, and shall be permanently stamped, etched, molded, or printed in indelible ink.

“(4) Combination of sheeting and reflectors. Each trailer to which paragraph (b)(1) applies may use a combination of retroreflective materials as long as they are located as specified by paragraphs (c) and (d) below.”

~~(4)~~ (6) In 49 C.F.R. 393.17(c)(1), the phrase “under ~~See~~ § 392.30” shall be deleted.

(7) In 49 C.F.R. 393.19, the phrase “§393.11” shall be deleted and replaced with “49 C.F.R. 393.11 as adopted by K.A.R. 82-4-3i.”

(8) The following revisions shall be made to 49 C.F.R. 393.24:

(A) In paragraph (a), the phrase “§ 393.11(a)” shall be deleted and replaced with “49 C.F.R. 393.11(a) as adopted by K.A.R. 82-4-3i.”

(B) In paragraph (b), the parenthetical sentence shall be deleted.

(C) Paragraph (d) shall be deleted.

(9) In 49 C.F.R. 393.25(c) and (e), the parenthetical sentence shall be deleted and replaced with the following: “The aforementioned documents are hereby adopted by reference.”

~~(5)~~ (10) The following revisions shall be made to 49 C.F.R. 393.26:

(A) In paragraph (a), the phrase “§ 393.11” shall be deleted and replaced with “49 C.F.R. 393.11 as adopted by K.A.R. 82-4-3i.”

(B) In paragraph (c), the parenthetical sentence shall be deleted and replaced with the following: “The aforementioned documents are hereby adopted by reference.”

(C) In paragraph (d), the phrase “part 393” shall be deleted and replaced with “49 C.F.R. Part 393 as adopted by K.A.R. 82-4-3i.”

(D) In paragraph (d)(4), the phrase “See: § 177.823 of this title” shall be deleted and replaced by “49 C.F.R. 177.823, as adopted by K.A.R. 82-4-20.”

(11) In 49 C.F.R. 393.28, the clause “which is hereby adopted by reference,” shall be inserted after the phrase “October 1981,” and the parenthetical sentence shall be deleted.

(12) The following revisions shall be made to 49 C.F.R. 393.40:

(A) In paragraphs (b)(1), (b)(2) and (b)(3), the phrase “§§ 393.42, 393.48, 393.49, 393.51, and 393.52 of this subpart” shall be deleted and replaced with “49 C.F.R. 393.42, 393.48, 393.49, 393.51, and 393.52 as adopted by K.A.R. 82-4-3i.”

(B) In paragraphs (b)(4) and (b)(5), the phrase “§§ 393.42, 393.48, 393.49 and 393.52 of this subpart” shall be deleted and replaced with “49 C.F.R. 393.42, 393.48, 393.49 and 393.52 as adopted by K.A.R. 82-4-3i.”

(C) In paragraph (c), the phrase “§ 393.41” shall be deleted and replaced with “49 C.F.R. 393.41 as adopted by K.A.R. 82-4-3i.”

(D) In paragraph (d)(3), the phrase “§ 393.40(e)” shall be deleted and replaced with “49 C.F.R. 393.40(e) as adopted by K.A.R. 82-4-3i.” The phrase “§ 393.43” shall be deleted and replaced with “49 C.F.R. 393.43 as adopted by K.A.R. 82-4-3i.”

(E) In paragraph (e), the phrase “§§ 393.43 and 393.52” shall be deleted and replaced with “49 C.F.R. 393.43 and 393.52 as adopted by K.A.R. 82-4-3i.”

(F) In paragraph (f)(1), the phrase “§ 393.40(a)” shall be deleted and replaced with “49 C.F.R. 393.40(a) as adopted by K.A.R. 82-4-3i.” The phrase “§ 393.52(b)” shall be deleted and replaced with “49 C.F.R. 393.52(b) as adopted by K.A.R. 82-4-3i.”

(G) In paragraph (f)(2), the phrase “§ 393.40(f)(1)” shall be deleted and replaced with “49 C.F.R. 393.40(f)(1) as adopted by K.A.R. 82-4-3i.” The phrase “§ 393.52(b)” shall be deleted and replaced with “49 C.F.R. 393.52(b) as adopted by K.A.R. 82-4-3i.”

(H) In paragraph (f)(3), the phrase “§ 393.40(f)(1)” shall be deleted and replaced with “49 C.F.R. 393.40(f)(1) as adopted by K.A.R. 82-4-3i.” The phrase “§393.44 and §393.52(b)” shall be deleted and replaced with “49 C.F.R. 393.44 and 393.52(b) as adopted by K.A.R. 82-4-3i.”

(13) In 49 C.F.R. 393.42(b)(1) and (b)(2), the phrase “§393.52” shall be deleted and replaced with “49 C.F.R. 393.52 as adopted by K.A.R. 82-4-3i.”

(14) In 49 C.F.R. 393.43(c), the phrase “§ 393.49” shall be deleted and replaced with “49 C.F.R. 393.49 as adopted by K.A.R. 82-4-3i.”

~~(6)~~ (15) In 49 C.F.R. 393.45, the phrase “and hereby adopted by reference” shall be added following “49 C.F.R. ~~517.106~~ 571.106” in paragraph (a).

(16) In 49 C.F.R. 393.47(e), the parenthetical sentence shall be deleted and replaced with “which is hereby adopted by reference.”

(17) The following revisions shall be made to 49 C.F.R. 393.48:

(A) In paragraph (c)(1), the phrase “§ 390.5” shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.”

(B) In paragraph (c)(2), the phrase “§ 393.42(b)” shall be deleted and replaced with “49 C.F.R. 393.42(b) as adopted by K.A.R. 82-4-3i.”

(C) In paragraph (d)(4), the phrase “§393.40” shall be deleted and replaced by “49 C.F.R. 393.40 as adopted by K.A.R. 82-4-3i.”

(18) The following revisions shall be made to 49 C.F.R. 393.49:

(A) In paragraph (a), the phrase “§393.44” shall be deleted and replaced with “49 C.F.R. 393.44 as adopted by K.A.R. 82-4-3i.”

(B) In paragraph (c), the phrase “§ 393.48(d)” shall be deleted and replaced with “49 C.F.R. 393.48(d) as adopted by K.A.R. 82-4-3i.”

~~(7)~~ (19) The note following 49 C.F.R. 393.51 (b) shall be deleted.

(20) In 49 C.F.R. 393.62(d)(1), the parenthetical sentence at the end of the paragraph shall be deleted and replaced with “This document is hereby incorporated by reference.”

~~(8)~~ (21) 49 C.F.R. 393.67(c)(3) shall be deleted and replaced by “Threads. At least four full threads must be in engagement in each fitting.”

~~(9)~~ (22) The following revisions shall be made to 49 C.F.R. 393.71:

(A) Paragraph (h)(8) and the related footnote shall be deleted.

(B) In paragraph (h)(9), the phrase “requirements of the Federal Motor Carrier Safety Administration” shall be deleted and replaced by “~~appropriate~~ Federal and Kansas requirements.”

(C) In paragraph (m)(8), the phrase “requirements of the Federal Motor Carrier Safety Administration” shall be deleted and replaced by “~~appropriate~~ Federal and Kansas requirements.”

~~(40)~~ (23) The following revisions shall be made to 49 C.F.R. 393.75:

(A) In paragraphs (g)(1) and (g)(2), the clause “that are labeled pursuant to 24 C.F.R. 3282.362(c)(2)(i)” shall be deleted and replaced by “built.”

(B) In paragraph (g)(1), the phrase “Or, in the absence of such a marking, more than 18 percent over the load rating specified in any of the publications of any of the organizations listed in FMVSS No. 119 (49 CFR 571.119, S5.1(b))” shall be deleted.

(C) In paragraph (g)(2), the phrase “or, in the absence of such a marking, the load rating specified in any of the publications of any of the organizations listed in FMVSS No. 119 (49 CFR 571.119, S5.1(b))” shall be deleted.

~~(11)~~ (24) In 49 C.F.R. 393.77(a)(15)(i), the phrase “~~See~~ § 177.834(1) of this title” shall be deleted and replaced by “49 C.F.R. 177.834(a) as adopted by K.A.R. 82-4-20.”

(25) The following revisions shall be made to 49 C.F.R. 393.86(a)(1):

(A) In the first sentence, the clause “that meets the requirements of Federal Motor Vehicle Safety Standard No. 223 (49 CFR 571.223) in effect at the time the vehicle was manufactured” shall be deleted.

(B) The second sentence shall be deleted.

(C) Both instances of the phrase “§390.5” shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3d.”

(D) The phrase “393.5” shall be deleted and replaced with “49 C.F.R. 393.5 as adopted by K.A.R. 82-4-3i.”

~~(12)~~ (26) In 49 C.F.R. 393.90, the phrase “of the Federal Motor Carrier Safety Administration’s regulations” shall be deleted.

~~(13)~~ (27) In 49 C.F.R. 393.94, paragraph (c)(4) shall be deleted and replaced by the following: “Set the sound level meter to the A-weighting network, ‘fast’ meter response.”

(28) The following revisions shall be made to 49 C.F.R. 393.95:

(A) In paragraph (a)(1), the phrase “§177.823 of this title” shall be deleted and replaced with “49 C.F.R. 177.823 as adopted by K.A.R. 82-4-20.”

~~(14)~~ (B) In ~~49 C.F.R. 393.95~~, in paragraph (f)(1), the clause “that conform to the requirements of Federal Motor Vehicle Safety Standard No. 125, ~~Sec. §~~ 571.125 of this title” shall be deleted.

(C) In paragraph (j), the period at the end of the second sentence shall be deleted and replaced with the clause “which is hereby adopted by reference.” The parenthetical sentence following the second sentence shall be deleted.

(29) The following revisions shall be made to 49 C.F.R. 393.102:

(A) In paragraph (b), the phrase “Sec. 393.106(b)” shall be deleted and replaced with “49 C.F.R. 393.106(b) as adopted by K.A.R. 82-4-3i.”

(B) In paragraph (c)(3), the phrase “§§ 393.104 through 393.136” shall be deleted and replaced with “49 C.F.R. 393.104 through 393.136 as adopted by K.A.R. 82-4-3i.”

(30) The following revisions shall be made to 49 C.F.R. 393.104:

(A) In paragraphs (a) and (c), the phrase “§ 393.102” shall be deleted and replaced with “49 C.F.R. 393.102 as adopted by K.A.R. 82-4-3i.”

~~(15)~~ (B) ~~49 C.F.R. 393.104~~ Paragraph (e), ~~the related table, and the related footnotes~~ shall be deleted.

(31) In 49 C.F.R. 393.106(a), the phrase “§ 393.116 through § 393.136” shall be deleted and replaced with “49 C.F.R. 393.116 through 393.136 as adopted by K.A.R. 82-4-3i.”

(32) In 49 C.F.R. 393.110(a), the phrase “§ 393.106” shall be deleted and replaced with “49 C.F.R. 393.106 as adopted by K.A.R. 82-4-3i.”

(33) In 49 C.F.R. 393.116, 393.118, 393.120, 393.122, 393.124, 393.126, 393.136(a)(2) and 393.136(a)(3), the phrase “§§ 393.100 through 393.114” shall be deleted and replaced with “49 C.F.R. 393.100 through 393.114 as adopted by K.A.R. 82-4-3i.”

(34) In 49 C.F.R. 393.128, the phrase “§ 393.130 of this part” shall be deleted and replaced with “49 C.F.R. 393.130 as adopted by K.A.R. 82-4-3i.”

(35) The following revisions shall be made to 49 C.F.R. 393.130(a):

(A) The phrase “§ 393.128” shall be deleted and replaced with “49 C.F.R. 393.128 as adopted by K.A.R. 82-4-3i.”

(B) The phrase “§§ 393.100 through 393.114” shall be deleted and replaced with “49 C.F.R. 393.100 through 393.114 as adopted by K.A.R. 82-4-3i.”

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. ~~2010~~ 2012 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. ~~2010~~ 2012 Supp. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Nov. 14, 2011; amended P-_____.)

82-4-3j. Inspection, repair, and maintenance. (a) With the following exceptions, 49 C.F.R. Part 396, as in effect on October 1, ~~2007~~ 2011, is hereby adopted by reference:

(1) In 49 C.F.R. 396.3(a)(1), the phrase “part 393 of this subchapter” shall be deleted and replaced by “49 C.F.R. Part 393, as adopted by K.A.R. 82-4-3i.”

(2) The following revisions shall be made to 49 C.F.R. 396.9:

(A) In paragraph (a), the phrase “Every special agent of the FMCSA (as defined in appendix B to this subchapter)” shall be deleted and replaced by “Any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforcement officer in the state who has been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.”

(B) In paragraph (b), the sentence after “Prescribed inspection report” shall be deleted and replaced by the following sentence: “Motor vehicle inspections conducted by authorized personnel as described in paragraph (a) shall be made on forms approved by the ~~commission~~ Kansas highway patrol.”

(C) In paragraph (c)(1), the term “‘Out of Service Vehicle’ sticker” shall mean “a form approved by the ~~commission~~ Kansas highway patrol, as described in K.A.R. 82-4-31(a)(6)(C).” The phrase “§ 385.811(d)” shall be deleted and replaced with “49 C.F.R. 385.811(d) as adopted by K.A.R. 82-4-3d.”

(D) In paragraph (c)(2), the term “Driver Vehicle Examination Report” shall mean the form described in K.A.R. 82-4-31(a)(6)(B).

(E) In paragraph (d)(3)(ii), the phrase “issuing agency” shall be deleted and replaced by “transportation division of the commission the state’s lead Motor Carrier Safety Assistance Program agency.”

(3) The following revisions shall be made to 49 C.F.R. 396.15(a):

(A) The phrase “§ 396.3” shall be deleted and replaced with “49 C.F.R. 396.3 as adopted by K.A.R. 82-4-3j.”

(B) The phrase “§ 396.11” shall be deleted and replaced with “49 C.F.R. 396.11 as adopted by K.A.R. 82-4-3j.”

(C) The phrase “§ 396.17” shall be deleted and replaced with “49 C.F.R. 396.17 as adopted by K.A.R. 82-4-3j.”

(4) The following revisions shall be made to 49 C.F.R. 396.17:

(A) In paragraph (a), the phrase “of this subchapter” shall be deleted and replaced by “as in effect on October 1, ~~2007~~ 2011, which is hereby adopted by reference.”

(B) ~~The “Note” appearing between paragraphs (a) and (b) shall be deleted.~~ In paragraph (b), the phrase “§ 396.23” shall be deleted and replaced with “49 C.F.R. 396.23 as adopted by K.A.R. 82-4-3j.”

(C) In paragraph (c)(1), the phrase “§ 396.21(a)” shall be deleted and replaced with “49 C.F.R. 396.21(a) as adopted by K.A.R. 82-4-3j.”

(D) In paragraph (c)(2)(iv), the phrase “§ 396.17” shall be deleted and replaced with “49 C.F.R. 396.17 as adopted by K.A.R. 82-4-3j.”

(E) In paragraph (d), the phrase “§ 396.23(b)(1)” shall be deleted and replaced with “49 C.F.R. 396.23(b)(1) as adopted by K.A.R. 82-4-3j.”

(F) In paragraph (e), the phrase “§ 396.19” shall be deleted and replaced with “49 C.F.R. 396.19 as adopted by K.A.R. 82-4-3j.”

(G) In the first sentence of paragraph (f), the phrase “of this subchapter” shall be deleted and replaced with “as adopted by K.A.R. 82-4-3j.” In the second sentence, the phrase “§ 396.23(b)(1)” shall be deleted and replaced with “49 C.F.R. 396.23(b)(1) as adopted by K.A.R. 82-4-3j.”

(H) In paragraph (g), the phrase “to this subchapter” shall be deleted and replaced with “as adopted by K.A.R. 82-4-3j.”

~~(C)~~ (I) In paragraph (h), the words “penalty provisions ~~provided by~~ of 49 U.S.C. 521(b)” shall be deleted and replaced by “civil penalties provided by K.S.A. 66-1,142b, K.S.A. 66-1,142c, and other applicable penalties.”

~~(4)~~ (5) The following revisions shall be made to 49 C.F.R. 396.19~~(a)(1)~~:

(A) The phrase “as adopted by K.A.R. 82-4-3j” shall be added after “49 C.F.R. part 393.” In paragraph (a), the phrase “§ 396.17(d) or (e)” shall be deleted and replaced with “49 C.F.R. 396.17(d) or (e) as adopted by K.A.R. 82-4-3j.”

(B) The phrase “as adopted by K.A.R. 82-4-3j” shall be added after the phrase “and appendix G.” The phrase “of this subchapter” shall be deleted. In paragraph (a)(1), the phrase “part 393 and appendix G of this subchapter” shall be deleted and replaced with “49 C.F.R. Part 393 as adopted by K.A.R. 82-4-3j and subchapter G as adopted by K.A.R. 82-4-3j.”

~~(5)~~ (6) In 49 C.F.R. 396.21(b)(2) and (3), the word “Federal” shall be deleted.

~~(6)~~ (7) The following revisions shall be made to 49 C.F.R. 396.23:

(A) The following revisions shall be made to paragraph (a):

(i) In the first sentence, the phrase “§ 396.17” shall be deleted and replaced with “49 C.F.R. 396.17 as adopted by K.A.R. 82-4-3j.”

(ii) In the third sentence, the phrase “to this subchapter” shall be deleted and replaced with “as adopted by K.A.R. 82-4-3j.”

(iii) In the last sentence, the phrase “§ 396.21(a)” shall be deleted and replaced with “49 C.F.R. 396.21(a) as adopted by K.A.R. 82-4-3j.”

(B) The following revisions shall be made to paragraph (b)(1):

(i) ~~In paragraph (b)(1),~~ The phrase “by the Administrator” shall be deleted.

(ii) The phrase “§ 396.17” shall be deleted and replaced with “49 C.F.R. 396.17 as adopted by K.A.R. 82-4-3j.”

~~(B)~~ (C) In paragraph (b)(2), the term “FMCSA” shall be deleted and replaced by “transportation division of the Kansas corporation commission.” The phrase “§ 396.17” shall be deleted and replaced with “49 C.F.R. 396.17 as adopted by K.A.R. 82-4-3j.”

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2008 2011 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. ~~2008~~ 2011 Supp. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended P-_____.)

82-4-3k. Transportation of hazardous materials; driving and parking rules. (a) With the following exceptions, 49 C.F.R. Part 397, as in effect on October 1, ~~2007~~ 2011, is hereby adopted by reference:

(1) In 49 C.F.R. 397.1(a), the phrase “of this title” shall be deleted and replaced by “as adopted by K.A.R. 82-4-20.”

(2) In 49 C.F.R. 397.2, the phrase “the rules in parts 390 through 397, inclusive, of this subchapter” shall be deleted and replaced by “K.A.R. 82-4-3a and K.A.R. 82-4-3f through K.A.R. 82-4-3k.” The phrase “of this title” shall be deleted and replaced by “as adopted by K.A.R. 82-4-20.”

(3) In 49 C.F.R. 397.3, the term “Department of Transportation” shall be deleted and replaced by “commission.”

(4) In 49 C.F.R. 397.5 (a), the phrase “as defined by 49 C.F.R. 172.101 and adopted by K.A.R. 82-4-20” shall be added after “(explosive) material.”

(5) In 49 C.F.R. 397.7(a), the phrase “as defined by 49 C.F.R. 172.101 and adopted by K.A.R. 82-4-20” shall be added after the words “Division 1.1, 1.2, or 1.3 materials.”

(6) The following revisions shall be made to 49 C.F.R. 397.13:

(A) In paragraph (a), the phrase “as defined by 49 C.F.R. 172.101 and adopted by K.A.R. 82-4-20” shall be added after the words “Division 2.1, Class 3, Divisions 4.1 and 4.2.”

(B) In paragraph (b), the phrase “of this title” shall be deleted and replaced by “as adopted by K.A.R. 82-4-20.”

(7) In 49 C.F.R. 397.17(d), the phrase “§§ 397.5 and 397.7” shall be deleted and replaced with “49 C.F.R. 397.5 and 397.7 as adopted by K.A.R. 82-4-3k.”

(8) The following revisions shall be made to 49 C.F.R. 397.19:

(A) In paragraph (a), the phrase “as defined by 49 C.F.R. 172.101 and adopted by K.A.R. 82-4-20” shall be added after the words “(explosive) materials.”

(B) In paragraph (a)(1), the phrase “this part” shall be deleted and replaced with “49 C.F.R. Part 397 as adopted by K.A.R. 82-4-3k.”

(C) In paragraph (c)(2), the phrase “of this title” shall be deleted and replaced by “as adopted by K.A.R. 82-4-20.”

(D) In paragraph (c)(3), the phrase “§ 397.67” shall be deleted and replaced with “49 C.F.R. 397.67 as adopted by K.A.R. 82-4-3k.”

~~(8)~~ (9) The following revisions shall be made to 49 C.F.R. 397.65:

(A) The definitions of “Administrator,” “FMCSA,” “Motor carrier,” and “Motor vehicle” shall be deleted.

(B) In the definition of “Indian tribe,” the phrase “as in effect on January 7, 2003, which is hereby adopted by reference” shall be added after “25 U.S.C. 450b.”

(C) In the definition of “NRHM,” the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR 172.504.”

(D) In the definition of “Radioactive material,” the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR 173.403.”

~~(9)~~ (10) The following changes shall be made to 49 C.F.R. 397.67:

(A) In paragraph (b), the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR 177.823.”

(B) In paragraph (d), the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR 173.50 and 173.53 respectively.”

(11) The following revisions shall be made to 49 C.F.R. 397.69:

(A) In the first sentence of paragraph (a), the phrase “§ 397.71” shall be deleted and replaced with “49 C.F.R. 397.71 as adopted by K.A.R. 82-4-3k.”

~~(10)(B)~~ In 49 C.F.R. 397.69, Paragraph Paragraphs (b), (c) and (d) shall be deleted.

~~(11)~~ (12) The following revisions shall be made to 49 C.F.R. 397.71:

(A) In paragraph (b), the word “Federal” shall be deleted.

(B) Paragraph (b)(1)(ii) and the related footnote shall be deleted.

(C) Paragraph (b)(5) shall be deleted.

~~(12)~~ (13) The following revisions shall be made to 49 C.F.R. 397.73:

(A) Paragraph (a) and its related footnote shall be deleted and replaced by the following: “Information on NRHM routing designations shall be made available to the public by the States and Indian tribes in the form of maps, lists, road signs, or a combination thereof. If road signs are used, those signs and their placements must comply with all applicable laws.”

(B) Paragraph (b) shall be deleted and replaced by the following: “Each state or Indian tribe, through its routing agency, shall provide information identifying all NRHM routing designations which exist within their jurisdiction to the director of the transportation division, Kansas corporation commission, 1500 S.W. Arrowhead Road, Topeka, KS 66604. Information on any changes or new NRHM routing designations shall be furnished within 60 days after establishment to the director.”

~~(13)~~ (14) The following revisions shall be made to 49 C.F.R. 397.75:

(A) Unless otherwise noted in this subsection, the word “Administrator” shall be deleted and replaced by “commission.”

(B) Paragraph (b)(1) shall be deleted and replaced by the following: “Be submitted to the director of the transportation division, Kansas corporation commission, 1500 S.W. Arrowhead Road, Topeka, KS 66604.”

(C) In paragraph (b)(7), the word “Federal” shall be deleted.

(D) In paragraph (c)(2), the word “Federal” shall be deleted and replaced by “Kansas.”

(E) In paragraph (g), the last sentence shall be deleted.

~~(14)~~ (15) 49 C.F.R. 397.77 shall be deleted.

~~(15)~~ (16) The following revisions shall be made to 49 C.F.R. 397.101:

(A) In paragraph (a), the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR 172.403” and after “49 CFR part 172.”

(B) In paragraph (b), the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR 173.403(1).”

(C) In paragraph (b)(1), the phrase “§ 397.103” shall be deleted and replaced with “49 C.F.R. 397.103 as adopted by K.A.R. 82-4-3k.”

(D) In paragraph (b)(2), the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR 173.403(1) and (y).”

(E) In the first sentence of paragraph (d), the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR 173.403(l)” and “49 CFR 173.403(i).”

~~(F)~~ In paragraph (e)(1)(i), the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR parts 172, 173, and 177.”

~~(G)~~ In paragraph (e)(2), the phrase “§ 391.51 of this subchapter” shall be deleted and replaced with “49 C.F.R. 391.51 as adopted by K.A.R. 82-4-3g.”

~~(H)~~ In paragraph (f), the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR 173.22(c).”

~~(D)~~ (I) Paragraph (g) shall be deleted and replaced by the following: “Unless otherwise preempted, each motor carrier who accepts for transportation on a highway route a controlled quantity of Class 7 (radioactive) material, as defined by 49 C.F.R. 173.401(1), as adopted by K.A.R. 82-4-20, shall provide the following information to the director within 90 days following acceptance of the package:”.

~~(E)~~ (J) In paragraph (g)(3), the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR 172.202 and 172.203.”

~~(46)~~ (17) The following revisions shall be made to 49 C.F.R. 397.103:

~~(A)~~ In the first sentence of paragraph (a), the phrase “as defined in § 397.201(c)” shall be deleted. The words ““Guidelines for Selecting Preferred Highway Routes for Highway Route Controlled Quantity Shipments of Radioactive Materials,’ or an equivalent” shall be deleted and replaced by “a.”

~~(B)~~ Paragraph (c)(1) shall be deleted and replaced by the following: “The state gives written notice to the director.”

~~(C)~~ In paragraph (c)(2), the term “FMCSA” shall be deleted and replaced by “director.”

(D) Paragraph (d) shall be deleted and replaced by the following: “A list of state-designated preferred routes shall be available from the director upon request.”

~~(17)~~ (18) Subpart E of 49 C.F.R. Part 397 shall be deleted.

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. ~~2008~~ 2012 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. ~~2008~~ 2012 Supp. 66-1,129; effective T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended P-_____.)

82-4-31. Transportation of migrant workers. (a) With the following exceptions, 49 C.F.R. Part 398, as in effect on October 1, ~~2007~~ 2011, is hereby adopted by reference:

(1) The following revisions shall be made to 49 C.F.R. 398.1:

(A) The following revisions shall be made to 49 C.F.R. 398.1(a):

(i) A period shall be placed after the word “agriculture.”

(ii) The remainder of the paragraph shall be deleted and replaced by the following:

“For the purposes of 49 C.F.R. Part 398 only, the definition of ‘agriculture’ found in 29 U.S.C. 203(f), as in effect on January 3, 2007, is hereby adopted by reference. For the purposes of 49 C.F.R. Part 398 only, the definition of ‘employment in agriculture’ shall be the same as the definition of ‘agricultural labor’ found in 26 U.S.C. 3121(g), as in effect on ~~January 7, 2003,~~ August 31, 2006, which is hereby adopted by reference.”

(B) In paragraph (b), the words “person, including any ‘contract carrier by motor vehicle’, but not including any ‘common carrier by motor vehicle’, who or which transports in interstate or foreign commerce” shall be deleted and replaced by “motor carrier transporting.”

(C) In paragraph (d), the definition of “motor vehicle” shall be deleted.

(2) The following revisions shall be made to 49 C.F.R. 398.2:

(A) In paragraph (a), the phrase “§ 398.1(b)” shall be deleted and replaced with “49 C.F.R. 398.1(b) as adopted by K.A.R. 82-4-3l.” The phrase “in interstate commerce, as defined in 49 C.F.R. 390.5” shall be deleted and replaced by “within the state of Kansas.”

(B) In paragraph (b)(1), the phrase “§ 398.1(b)” shall be deleted and replaced with “49 C.F.R. 398.1(b) as adopted by K.A.R. 82-4-3l.”

(C) In paragraph (b)(2), the phrase “in interstate commerce, must comply with the applicable requirements of 49 CFR parts 385, 390, 391, 392, 393, 395, and 396” shall be deleted and replaced by “must comply with the applicable requirements of 49 C.F.R. Part 385, as adopted by K.A.R. 82-4-3d, 49 C.F.R. Part 390, as adopted by K.A.R. 82-4-3f, 49 C.F.R. Part 391, as adopted by K.A.R. 82-4-3g, 49 C.F.R. Part 392, as adopted by K.A.R. 82-4-3h, 49 C.F.R. Part 393, as adopted by K.A.R. 82-4-3i, 49 C.F.R. Part 395, as adopted by K.A.R. 82-4-3a, and 49 C.F.R. Part 396, as adopted by K.A.R. 82-4-3j.”

(3) In 49 C.F.R. 398.3(b)(9), the phrase “§ 398.3(b) of the Federal Motor Carrier Safety Regulations of the Federal Motor Carrier Safety Administration” shall be deleted- and replaced with “49 C.F.R. 398.3(b) as adopted by K.A.R. 82-4-3l.”

(4) The following revisions shall be made to 49 C.F.R. 398.4:

(A) In paragraph (b), the words “jurisdiction in which it is being operated, unless such laws, ordinances and regulations are at variance with specific regulations of this Administration which impose a greater affirmative obligation or restraint” shall be deleted and replaced by “state of Kansas.”

(B) In the first sentence of paragraph (g)(5), the phrase “§ 398.5(f)” shall be deleted and replaced with “49 C.F.R. 398.5(f) as adopted by K.A.R. 82-4-31.”

(C) In paragraph (k), the phrase “part 393 of this subchapter” shall be deleted and replaced by “49 C.F.R. Part 393, as adopted by K.A.R. 82-4-3i.”

(D) In paragraph (o), the phrase “§ 398.5(f)” shall be deleted and replaced with “49 C.F.R. 398.5(f) as adopted by K.A.R. 82-4-31.”

(5) The following revisions shall be made to 49 C.F.R. 398.5:

(A) In paragraph (b), the phrase “part 393 of this subchapter” shall be deleted and replaced by “49 C.F.R. Part 393, as adopted by K.A.R. 82-4-3i.”

(B) In paragraph (c), the phrase “part 393 of this subchapter, except ~~See~~ § 393.44 of this subchapter” shall be deleted and replaced by “49 C.F.R. Part 393, as adopted by K.A.R. 82-4-3i.”

(6) The following revisions shall be made to 49 C.F.R. 398.8:

(A) In paragraph (a), the phrase “Special Agents of the Federal Motor Carrier Safety Administration, as detailed in appendix B of chapter III of this title” shall be deleted and replaced by “any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforcement officer in the state who has been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.”

(B) Paragraph (b) shall be deleted and replaced by the following: “(b) Prescribed inspection report. A compliance report form approved by the commission shall be used to record findings from motor vehicles selected for final inspection by any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforcement officer in the state who has been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards. A compliance report form approved by the commission shall contain the following information:

- “(1) The name, MCID number, and address of the motor carrier;
- “(2) information regarding the inspection location;
- “(3) the date of the inspection;
- “(4) the name, birth date, license number, and employment status of the driver;
- “(5) whether hazardous materials were being transported, and if so, what type;
- “(6) shipping information regarding the commodity transported;
- “(7) identification of the vehicle used;
- “(8) brake adjustment information;
- “(9) identification of the alleged violations;
- “(10) information regarding the authority under which the vehicle could be put out of service for alleged violations discovered during the inspection;
- “(11) information regarding the individual who prepares the inspection report; and
- “(12) a statement to be signed by the motor carrier that the violations have been corrected.”

(C) In paragraph (c)(1), the last sentence shall be deleted and replaced by the following: “A form approved by the commission shall be used to mark vehicles as ‘out of service.’ An out of service form approved by the commission shall contain the following information:

- “(i) A statement that the motor vehicle has been declared out of service;
- “(ii) a statement that the out of service marking may be removed only under the conditions outlined in the out of service order or the accompanying vehicle inspection report;
- “(iii) a statement that operation of the vehicle prior to making the required repairs will subject the motor carrier to civil penalties;
- “(iv) the number and dates of the inspection; and
- “(v) a place for the signature of the authorized individual making the inspection.”

(D) The following revisions shall be made to paragraph (c)(2):

- (i) The phrase “on Form MCS 63” shall be deleted and replaced by “on a form approved by the commission for driver-equipment compliance reporting.”
- (ii) The phrase “~~See~~ § 393.52” shall be deleted and replaced by “49 C.F.R. 393.52, as adopted by K.A.R. 82-4-3i.”

(E) In paragraph (c)(3), the phrase “on Form MCS 63” shall be deleted and replaced by “on a form approved by the commission for driver-equipment compliance reporting.”

(F) Paragraph (c)(4) shall be deleted and replaced by the following: “The person or persons completing the repairs required by the out of service notice shall complete a form to certify repairs approved by the commission, which shall include the person’s name and the name

of the person's shop or garage as well as the date and time the repairs were completed. If the driver completes the required repairs, then the driver shall complete the same form."

(G) In paragraph (d)(1), the phrase "~~MCS Form 63~~" "Forms MCS 63" shall be deleted and replaced by "~~on a form~~ the forms approved by the commission for driver-equipment compliance reporting."

(H) In paragraph (d)(1), the phrase "Federal Motor Carrier Safety Regulations" shall be deleted and replaced by the phrase "commission's regulations."

(I) In paragraph (d)(2), the phrase "'Motor Carrier Certification of Action Taken' on Form MCS 63" and the phrase "Form MCS 63" shall be deleted and replaced by "form approved by the commission for driver-equipment reporting."

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. ~~2008~~ 2012 Supp. 66-1,112, K.S.A. 66-1,112g, ~~and~~ K.S.A. ~~2008~~ 2012 Supp. 66-1,129, ~~and~~ K.S.A. ~~66-1,142a~~; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended P-_____.)

82-4-3m. Employee safety and health standards. (a) With the following exceptions, 49 C.F.R. Part 399, as in effect on October 1, ~~2007~~ 2011, is hereby adopted by reference:

- (1) 49 C.F.R. 399.201 shall be deleted.
- (2) In 49 C.F.R. 399.205, the definition of "person" shall be deleted.
- (3) In 49 C.F.R. 399.209, paragraph (b) shall be deleted.

(4) Appendices A through F shall be deleted.

(5) In appendix G, all text following standards 1 through 13, which begins with the heading “Comparison of Appendix G, and the new North American Uniform Driver-Vehicle Inspection Procedure (North American Commercial Vehicle Critical Safety Inspection Items and Out-Of-Service Criteria),” shall be deleted.

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. ~~2008~~ 2011 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. ~~2008~~ 2011 Supp. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended P-_____.)

82-4-3n. Minimum levels of financial responsibility for motor carriers. (a) With the following exceptions, 49 C.F.R. Part 387, as in effect on October 1, ~~2009~~ 2011, is hereby adopted by reference:

(1) The following revisions shall be made to 49 C.F.R. 387.3:

(A) In ~~49 C.F.R. 387.3~~, paragraph (a), the phrase “for-hire” shall be deleted and replaced by “public.”

(B) In paragraph (c)(1), the phrase “as adopted by K.A.R. 82-4-20” shall be inserted after the phrase “49 CFR 173.403.”

(2) The following revisions shall be made to 49 C.F.R. 387.5:

(A) The term “for-hire” in the definition of “for-hire carriage” shall be deleted and replaced by “public.”

(B) The definition of “motor carrier” shall be deleted.

(3) The following revisions shall be made to 49 C.F.R. 387.7:

(A) In paragraph (a), the phrase “§ 387.9 of this subpart” shall be deleted and replaced with “49 C.F.R. 387.9 as adopted by K.A.R. 82-4-3n.”

(B) Paragraph 49 C.F.R. 387.7(b)(3) shall be deleted.

~~(B)~~ (C) The following revisions shall be made to paragraph (d)(3):

(i) The phrase “under §387.309” shall be deleted ~~and replaced by “49 C.F.R. 387.309.”~~

(ii) The phrase “part 385 of this chapter” shall be deleted and replaced by “49 C.F.R. 385 as adopted by K.A.R. 82-4-3d.”

~~(C)~~ (D) In paragraph (g), the term “United States” shall be deleted and replaced by “state of Kansas.”

(4) The following revisions shall be made to 49 C.F.R. 387.9:

(A) In the first sentence, the phrase “§ 387.7” shall be deleted and replaced with “49 C.F.R. 387.7 as adopted by K.A.R. 82-4-3n.”

(B) ~~In 49 C.F.R. 387.9,~~ The term “for-hire” shall be deleted and replaced by “public” in the “schedule of limits—public liability.”

~~(5) The following revisions shall be made to 49 C.F.R. 387.11:~~

~~(A)~~ In ~~paragraph~~ paragraphs (b), (c), and (d) of 49 C.F.R. 387.11, the words “any State in which the motor carrier operates” shall be deleted and replaced by “the state of Kansas.”

~~(B) In paragraph (e), the words “any State in which the motor carrier operates” shall be deleted and replaced by “the state of Kansas.”~~

(6) The following revisions shall be made to 49 C.F.R. 387.15:

(A) The phrase “§ 387.7” shall be deleted and replaced with “49 C.F.R. 387.7 as adopted by K.A.R. 82-4-3n.”

(B) The phrase “§ 387.7(b)(3)” shall be deleted and replaced with “49 C.F.R. 387.7(b)(3) as adopted by K.A.R. 82-4-3n.”

(C) ~~In 49 C.F.R. 387.15,~~ The definition of “motor vehicle” shall be deleted in illustration I.

(7) 49 C.F.R. 387.17 shall be deleted.

(8) In 49 C.F.R. 387.25 and 49 C.F.R. 387.27(a), the term “for-hire” shall be deleted and replaced by “public.”

(9) The following revisions shall be made to 49 C.F.R. 387.29:

(A) In the definition of “for-hire carriage,” the term “for-hire” shall be deleted and replaced by “public.”

(B) The definition of “motor carrier” shall be deleted.

(C) In the definition of “seating capacity,” the phrase “(measured in accordance with SEA Standards J1100(a))” shall be deleted.

(10) The following revisions shall be made to 49 C.F.R. 387.31:

(A) In paragraph (a), the phrase “§ 387.33 of this subpart” shall be deleted and replaced with “49 C.F.R. 387.33 as adopted by K.A.R. 82-4-3n.”

(B) In paragraph (b)(3), the phrase “§ 387.35 of this subpart” shall be deleted and replaced with “49 C.F.R. 387.35 as adopted by K.A.R. 82-4-3n.”

(C) The following revisions shall be made to paragraph (e)(2):

(i) The phrase “for-hire” shall be deleted and replaced with “public.”

(ii) The phrase “FMCSA” shall be deleted and replaced with “commission.”

(iii) The phrase “subpart C of this part” shall be deleted and replaced with “K.A.R. 82-4-3n.”

(D) In paragraph (f), the phrase “within the United States” shall be deleted and replaced by “in the state of Kansas.”

~~(B)~~ (E) In paragraph (g), the phrase “the United States” shall be deleted and replaced by “the state of Kansas.”

(11) The following revisions shall be made to 49 C.F.R. 387.33:

(A) The phrase “§ 387.31 of this subpart” shall be deleted and replaced with “49 C.F.R. 387.31 as adopted by K.A.R. 82-4-3n.”

(B) In 49 C.F.R. 387.33, The term “for hire” shall be deleted and replaced by “public” in the schedule of limits.

(12) The following revisions shall be made to 49 C.F.R. 387.35:

~~(A)~~ In ~~paragraph~~ paragraphs (b), (c), and (d) of 49 C.F.R. 387.35, the words “in any State in which the motor carrier operates” shall be deleted and replaced by “in the state of Kansas.”

~~(B)~~ In ~~paragraph (e), the words “in any State in which the motor carrier operates” shall be deleted and replaced by “in the state of Kansas.”~~

(13) The following revisions shall be made to 49 C.F.R. 387.39:

(A) The phrase “prescribed by the FMCSA and approved by the OMB” shall be deleted and replaced with “approved by the commission.”

(B) The phrase “§ 387.31 of this subpart” shall be deleted and replaced with “49 C.F.R. 387.31 as adopted by K.A.R. 82-4-3n.”

(C) The phrase “§ 387.31(b)(3) of this subpart” shall be deleted and replaced with “49 C.F.R. 387.31(b)(3) as adopted by K.A.R. 82-4-3n.”

(14) 49 C.F.R. 387.41 shall be deleted.

~~(14)~~ (15) The following revisions shall be made to 49 C.F.R. 387.301:

(A) The following revisions shall be made to paragraph (a)(1):

(i) The phrase “FMCSA” shall be deleted and replaced with “commission.”

(ii) The phrase “§387.303” shall be deleted and replaced by “49 C.F.R. 387.303 as adopted by K.A.R. 82-4-3n.”

~~(ii)~~ (iii) The phrase “§387.303(b)(2)” shall be deleted and replaced by “49 C.F.R. 387.303(b)(2) as adopted by K.A.R. 82-4-3n.”

~~(iii) — In each instance, the phrase “§387.303(b)(2)” shall be deleted and replaced by “49 C.F.R. 387.303(b)(2).”~~

(B) In paragraph (a)(2), the phrase “§387.303(b)(2)” shall be deleted and replaced by “49 C.F.R. 387.303(b)(2) as adopted by K.A.R. 82-4-3n.”

(C) In paragraph (b), the phrase “FMCSA” shall be deleted and replaced by “commission,” and the phrase “§387.303(b)(2)” shall be deleted and replaced by “49 C.F.R. 387.303(b)(2) as adopted by K.A.R. 82-4-3n.”

(D) In paragraph (c), the phrase “FMCSA in accordance with the requirements of section 13906 of title 49 of the U.S. Code,” shall be deleted and replaced by “commission.”

~~(15)~~ (16) The following revisions shall be made to 49 C.F.R. 387.303:

(A) In paragraph (b)(1), the phrase “§387.301(a)(1)” shall be deleted and replaced by “49 C.F.R. 387.301(a)(1) as adopted by K.A.R. 82-4-3n.”

(B) In paragraph (b)(2), the phrase “§387.301(a)~~(1)~~(2)” shall be deleted and replaced by “49 C.F.R. 387.301(a)~~(1)~~(2) as adopted by K.A.R. 82-4-3n.”

(C) Paragraph (b)(4) shall be deleted.

~~(16)~~ (17) 49 C.F.R. 387.307 through 49 C.F.R. 387.323 shall be deleted.

~~(17)~~ (18) The following revisions shall be made to 49 C.F.R. 387.403:

(A) In paragraph (a), the term “FMCSA” shall be deleted and replaced with “the commission,” and the phrase “§387.405” shall be deleted and replaced by “49 C.F.R. 387.405 as adopted by K.A.R. 82-4-3n.”

(B) In paragraph (b), the term “FMCSA” shall be deleted and replaced with “commission,” and the phrase “§387.405” shall be deleted and replaced by “49 C.F.R. 387.405 as adopted by K.A.R. 82-4-3n.”

(19) In 49 C.F.R. 387.405, the phrase “as adopted by K.A.R. 82-4-3n” shall be added after the phrase “49 CFR 387.303.”

~~(18)~~ (20) The following revisions shall be made to 49 C.F.R. 387.407:

(A) In 49 C.F.R. 387.407 paragraph (a), the phrase “§387.405” shall be deleted and replaced by “49 C.F.R. 387.405 as adopted by K.A.R. 82-4-3n.” The phrase “49 CFR part 387,

subpart C,” shall be deleted and replaced with “Subpart C of 49 C.F.R. Part 387, as adopted by K.A.R. 82-4-3n.”

(B) The first instance of the term “FMCSA” shall be deleted and replaced with “commission.” The phrase “FMCSA (or the Department of Transportation, where applicable)” shall be deleted and replaced with “commission.”

~~(19)~~ (21) 49 C.F.R. 387.409 through 49 C.F.R. 387.419 shall be deleted.

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. ~~2009~~ 2012 Supp. 66-1,112, K.S.A. 66-1,112g, K.S.A. ~~2009~~ 2012 Supp. 66-1,128, and K.S.A. ~~2009~~ 2012 Supp. 66-1,129; effective Oct. 22, 2010; amended P-_____.)

82-4-30. Imminent hazard. (a) With the following exceptions, 49 C.F.R. Part 386, Subpart F, as in effect on October 1, ~~2009~~ 2011, is hereby adopted by reference:

(1) 49 C.F.R. 386.71 shall be deleted.

(2) The following revisions shall be made to 49 C.F.R 386.72:

(A) In paragraph (a), the first sentence shall be deleted and replaced by the following sentence: “Whenever it is determined that an imminent hazard exists as a result of the transportation by motor vehicle of a particular hazardous material, the director of the commission’s transportation division may request an emergency suspension order from the commission for the purposes of suspending or restricting the transportation by motor vehicle of

the hazardous material or for such other order as is necessary to eliminate or mitigate the imminent hazard.”

(B) In paragraph (b)(1), the phrase “the Director of the Office of Enforcement and Compliance or a Division Administrator, or his or her delegate” shall be deleted and replaced by “the commission.”

(C) In paragraph (b)(1)(i), the phrase “as provided by 49 U.S.C. 521(b)(5)” shall be deleted and replaced by “in the state of Kansas.”

(D) In paragraph (b)(1)(ii), the phrase “49 U.S.C. 521(b)(5) and” shall be deleted.

(E) In paragraph (b)(4), the words “in accordance with 5 U.S.C. 544, except that such review shall occur” shall be deleted.

(F) In paragraph (b)(4), the words “as provided by section 213(b) of the Motor Carrier Safety Act of 1984 (49 U.S.C. 521 (b)(5))” shall be deleted.

(3) 49 C.F.R. 386.72(b)(6) shall be deleted.

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2009 2012 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 2009 2012 Supp. 66-1,129; effective Oct. 22, 2010; amended P-_____.)

82-4-6d. Waiver of physical requirements. (a) Any person failing to meet the requirements of K.A.R. 82-4-3g may be permitted to drive a vehicle, ~~other than a vehicle~~

~~transporting passengers~~, if the director finds that the granting of a waiver is consistent with highway safety and the public interest.

(b) The application for a waiver shall meet these requirements:

(1) The application shall be submitted jointly by the person seeking the waiver and by the motor carrier wishing to employ the person as a driver.

(2) The application shall be accompanied by the following:

(A) A copy of the driver applicant's motor vehicle driving record. ~~Any changes~~
Each change to this record occurring after submission of the application shall be immediately forwarded to the commission;

(B) reports of medical examinations, administered by a licensed medical ~~practitioner~~ examiner, that are satisfactory to the director; and

(C) letters of recommendation from at least two licensed medical ~~practitioners~~ examiners, written on their personalized or institutional letterhead and meeting the following requirements:

(i) The reports and letters of recommendation shall indicate the opinions of the licensed medical ~~practitioners~~ examiners regarding the ability of the driver to safely operate a commercial motor vehicle of the type to be driven;

(ii) letters of recommendation regarding vision impairments shall be provided by a licensed ophthalmologist or optometrist who treated the driver applicant;

(iii) letters of recommendation regarding diabetes shall be provided by an endocrinologist, diabetologist, or primary care physician who has treated the driver applicant;

(iv) letters of recommendation regarding limb impairment or amputation shall include a medical summary conducted by a board of qualified, or board-certified, physiatrists or orthopedic surgeons, preferably associated with a rehabilitation center; and

~~(iv)~~(v) letters of recommendation shall include a description of any prosthetic or orthopedic devices worn by the driver applicant.

(3) The application shall contain a description that is satisfactory to the director of the type, size, and special equipment of the vehicle or vehicles to be driven, the general area and type of roads to be traversed, the distances and time period contemplated, the nature of the commodities to be transported and the method of loading and securing them, and the experience of the applicant in driving vehicles of the type to be driven.

(A) If the applicant motor carrier is a corporation, the application shall be signed by a corporation officer and the driver applicant.

(B) If the applicant motor carrier is a limited liability company, the application shall be signed by a company officer and the driver applicant.

(C) If the applicant motor carrier is a limited liability partnership, the application shall be signed by at least one of the members of the partnership and the driver applicant.

(D) If the applicant motor carrier is a partnership, the application shall be signed by at least one of the members of the partnership and the driver applicant.

(E) If the applicant motor carrier is a sole proprietorship, the application shall be signed by the proprietor and the driver applicant.

(4) The application shall specify that both the person and the carrier will file periodic reports as required with the director. These reports shall contain complete and truthful

information regarding the extent of the person's driving activity, any accidents in which the person was involved, and all suspensions or convictions in which the person is or has been involved.

(5) By completing the application, both the driver applicant and the motor carrier applicant shall be deemed to agree that upon grant of the waiver, they will fulfill all conditions of the waiver.

(c) Each driver applicant for a waiver for limb impairment or amputation shall complete a skill performance evaluation administered by a commission driver waiver program manager or a commission special investigator. The driver and motor carrier applicants shall secure the vehicle and provide the necessary insurance for the skill performance evaluation. The skill performance evaluation may be waived if the driver applicant has otherwise met the regulatory requirements of 49 C.F.R. 391.49 as adopted in K.A.R. 82-4-3g.

(d) If the application is approved, a driver medical waiver card signed by the director and accompanied by a letter acknowledging approval shall be issued by the commission. While on duty, the driver medical waiver card shall be in the driver's possession. The motor carrier shall retain the accompanying letter in its files at its principal place of business during the period the driver is in the motor carrier's employment. The motor carrier shall retain this letter for 12 months after the termination of the driver's employment.

(e) If the application is denied, an order setting forth an explanation for the denial and specifying the procedure for appeal of the decision shall be issued by the commission.

(f) The waiver shall not exceed two years and may be renewable upon submission and approval of a new application.

(g) All intrastate vision waiver recipients shall be subject to the following conditions:

(1) Each driver shall be physically examined every year by the following individuals:

(A) A licensed ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard specified in 49 C.F.R. 391.41(b)(10) as adopted in K.A.R. 82-4-3g; ~~and~~

(B) a licensed endocrinologist, diabetologist, or primary care physician who attests that the glycated hemoglobin (HbA1C) is less than or equal to 8.0 mmol/mol; and

(C) a licensed medical practitioner who attests that the individual is otherwise physically qualified under the standards specified in 49 C.F.R. 391.41 as adopted in K.A.R. 82-4-3g.

(2) Each driver shall provide a copy of the ophthalmologist's or optometrist's report to the medical practitioner at the time of the annual medical examination.

(3) Each driver shall provide the motor carrier with a copy of the annual medical reports for retention in the motor carrier's driver qualification files.

(4) Each driver shall provide a copy of the annual medical reports to the commission.

(h) The waiver may be revoked by the director after the applicant has been given notice of the proposed revocation and has been given a reasonable opportunity to show cause, if any, why the revocation should not be made.

(i) Each motor carrier and driver shall notify the director within 72 hours upon any conviction of a moving violation or any revocation or suspension of driving privileges.

(j) Written notice shall be given to the director when any of the following occurs:

(1) A driver ceases employment with the “original employer” with whom the waiver was first granted.

(2) A change occurs in employment duties or functions.

(3) A change occurs in the driver’s medical condition.

(k) Written notice shall be given by both the motor carrier and the driver within 10 days of any change in employment, duties, or functions, except in cases of termination of employment. Notice of termination of employment shall be given by both the motor carrier and the driver within 72 hours of termination.

(l) A waiver shall become void upon termination of employment from the motor carrier joint-applicant.

(m) Each application for renewal of waiver shall be submitted at least 60 days before the expiration date of the existing waiver. (Authorized by and implementing K.S.A. ~~2010~~ 2011 Supp. 66-1,129; effective May 1, 1981; amended Sept. 16, 1991; amended May 10, 1993; amended Oct. 3, 1994; amended Jan. 30, 1995; amended Jan. 4, 1999; amended July 14, 2000; amended Nov. 14, 2011; amended P-_____.)

82-4-8a. Accessories and equipment. Each motor vehicle that meets the definition of commercial motor vehicle shall be equipped with a fire extinguisher.

(a)(1) Each motor vehicle shall be equipped with a fire extinguisher that is properly filled and is readily accessible.

(2) The fire extinguisher shall be securely mounted on the vehicle.

(3) The fire extinguisher shall be designed, constructed, and maintained to permit visual determination of whether it is fully charged.

(4) The extinguisher shall have an extinguishing agent that does not need protection from freezing. Each extinguishing agent shall meet the requirements of the toxicity provisions of the environmental protection agency's significant new alternatives policy (SNAP) regulations under 40 C.F.R. Part 82, subpart G, as adopted by K.A.R. 82-4-3i.

(5) The fire extinguisher shall be labeled or marked with its underwriters laboratories rating.

(6) The fire extinguisher shall be kept in good operating condition, shall be located in an accessible place on each motor vehicle or tank vehicle, and shall be housed in a weathertight enclosure.

(b)(1) Each motor vehicle that is not used to transport hazardous materials shall be equipped with either a fire extinguisher having a rating of at least five B:C or two fire extinguishers, each of which has a rating of at least four B:C.

(2) Each motor vehicle that is used to transport hazardous materials shall be equipped with a fire extinguisher having a rating of at least 10 B:C.

~~(3) Each cargo tank vehicle requiring flammable liquid placards shall be provided with at least one approved handheld fire extinguisher, whether a dry chemical or carbon dioxide type, having a rating of at least 20 B:C. Two approved handheld fire extinguishers, either a dry~~

~~chemical or carbon dioxide type, having a rating of at least 10 B:C for each extinguisher, may be used in lieu of one 20 B:C rated extinguisher.~~

(c) The requirements of this regulation shall not apply to a driveway or towaway operation. (Authorized by and implementing K.S.A. ~~2010~~ 2011 Supp. 66-1,129; effective May 1, 1981; amended May 1, 1984; amended April 30, 1990; amended May 10, 1993; amended July 14, 2000; amended Nov. 14, 2011; amended P-_____.)

82-4-20. Transportation of hazardous materials by motor vehicles. (a) The federal regulations adopted by reference in this regulation shall govern the transportation of hazardous materials in Kansas in commerce to the extent that the regulations pertain to the transportation of hazardous materials by commercial motor vehicle.

(b) The following federal regulations, as in effect on October 1, ~~2009~~ 2011, are hereby adopted by reference:

- (1) 49 C.F.R. 107.105, 107.107, 107.502, and 107.503;
- (2) 49 C.F.R. Part 171, except 171.1(a), ~~171.1(b)~~, and 171.6;
- (3) 49 C.F.R. Part 172, except ~~172.1~~, 172.701; and 172.822;
- (4) 49 C.F.R. Part 173, except 173.10, 173.27, and 173.31;
- (5) 49 C.F.R. Part 177;
- (6) 49 C.F.R. Part 178; and
- (7) 49 C.F.R. Part 180.

(c) When used in any provision adopted from 49 C.F.R. 107.502 and 107.503 and 49 C.F.R. Parts 171, 172, 173, 177, 178, and 180, the following substitutions shall be made unless otherwise specified:

(1) The terms “administrator,” “associate administrator,” and “regional administrator” shall be replaced with “director as defined in K.A.R. 82-4-1.”

(2) The term “commercial motor vehicle” shall be replaced with “commercial motor vehicle as defined in K.A.R. 82-4-1.”

(3) The term “competent authority” shall mean “the Kansas corporation commission or any other Kansas agency or federal agency that is responsible, under its law for the control or regulation of some aspect of hazardous materials transportation.”

(4) The terms “Department of Transportation,” “DOT,” and “department” shall be replaced with “commission as defined in K.A.R. 82-4-1.”

(5) The term “the United States” shall be replaced with “the state of Kansas.”

(d) Carriers transporting hazardous materials in intrastate commerce shall be subject to the packaging provisions as provided in K.S.A. 66-1,129b, and amendments thereto.

(e) Whenever the adopted federal hazardous materials regulations refer to portions of the federal hazardous materials regulations that are not included under subsection (a), those references shall not be applicable to this regulation. (Authorized by K.S.A. ~~2010~~ 2012 Supp. 66-1,112, K.S.A. 66-1,112g, K.S.A. ~~2010~~ 2012 Supp. 66-1,129, and K.S.A. 66-1,129b; implementing K.S.A. ~~2010~~ 2012 Supp. 66-1,112, K.S.A. ~~2010~~ 2012 Supp. 66-1,129, and K.S.A. 66-1,129b; effective Jan. 1, 1971; amended May 1, 1981; amended May 1, 1984; amended May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended April 30, 1990; amended Sept.

16, 1991; amended July 6, 1992; amended May 10, 1993; amended Oct. 3, 1994; amended Jan. 30, 1995; amended Jan. 4, 1999; amended July 14, 2000; amended Jan. 31, 2003; amended Oct. 2, 2009; amended Nov. 14, 2011; amended P-_____.)

82-4-27. Applications for certificates of convenience and necessity and certificates of public service. (a) Each application for a certificate of convenience and necessity or a certificate of public service shall be typewritten or printed on forms furnished by the commission. An original and two copies shall be filed and shall contain the following information:

(1) The address of the applicant's principal office or place of business and the applicant's residential address;

(2) a list of each motor vehicle, by make, year, and vehicle identification number (VIN), to be used by the applicant. If buses are to be used, the seating capacity of each bus shall be included;

(3) the commodity or commodities listed on form MCS-150 that the applicant intends to transport; and

(4) ~~a current balance sheet and income statement reflecting the most recent 12 months of data available or pro forma statement of the applicant; and~~

~~(5)~~ evidence of compliance with the requirements of K.A.R. 82-4-26(b).

(b) If the commission deems a hearing necessary in order to evaluate an application for a certificate of public service, the applicant shall file testimony that details how the applicant is fit, knowledgeable of, and in compliance with all applicable safety regulations.

(Authorized by K.S.A. ~~2009~~ 2012 Supp. 66-1,112 and 66-1,117; implementing K.S.A. ~~2009~~ 2012 Supp. 66-1,114, 66-1,114b, and 66-1,117 and ~~66-1,139~~; effective Jan. 1, 1971; amended May 1, 1981; amended May 1, 1984; amended May 1, 1987; amended Sept. 16, 1991; amended Oct. 3, 1994; amended Jan. 4, 1999; amended Jan. 31, 2003; amended Oct. 22, 2010; amended P-_____.)

82-4-29. Applications for private carrier permits. ~~All applications~~ Each application for a private carrier ~~permits~~ permit shall be submitted on forms furnished by the commission and shall contain the following: (a) The name, street address, and mailing address of the applicant, and the title under which the applicant proposes to operate;

(b) ~~the financial condition of the applicant;~~

(~~e~~) a list of motor vehicles to be used by the applicant by make, year, and vehicle identification number;

(~~d~~) (c) the commodities that the applicant intends to transport;

(~~e~~) (d) the nature of the enterprise or enterprises for which commodities are to be transported; and

(~~f~~) (e) evidence of compliance with K.A.R. 82-4-26(b). (Authorized by K.S.A. 66-1,112g, K.S.A. ~~2004~~ 2011 Supp. 66-1,117; implementing K.S.A. 66-1,112g, K.S.A. ~~2004~~ 2011 Supp. 66-1,115, K.S.A. ~~2004~~ 2011 Supp. 66-1,117; effective Jan. 1, 1971; amended May 1, 1981; amended May 10, 1993; amended Jan. 31, 2003; amended P-_____.)

82-4-39. Surrender of identification cards. (a) If operations are abandoned under any certificate, permit, or license or upon cancellation or revocation ~~thereof~~ of any certificate,

permit, or license by the commission, all identification cards, authority cards, and registration receipts issued under the certificate, permit, or license shall be ~~immediately~~ forwarded to the commission upon the carrier's receipt of the notice of commission consent to abandon or cancel or the notice of revocation.

(b) If by order of the commission or otherwise, operations are suspended under any certificate, permit, or license, the carrier shall ~~immediately~~ remove all identification cards issued under the certificate, permit, or license, from all vehicles upon the carrier's receipt of the notice of commission consent to abandon or cancel or the notice of revocation. ~~The identification cards shall be preserved by the carrier who shall, at the request of the commission, immediately forward them to the commission.~~

~~(c) ——— If a motor vehicle is removed from service and withdrawn from registration with the commission, all identification cards issued to the motor vehicle shall be immediately forwarded to the commission.~~ (Authorized by ~~and implementing~~ K.S.A. 2012 Supp. 66-1,112, 66-1,112a, and K.S.A. 66-1,112g; implementing K.S.A. 2012 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 2012 Supp. 66-1,119; effective Jan. 1, 1971; amended May 1, 1981; amended May 10, 1993; amended Oct. 3, 1994; amended P-_____.)

82-4-48a. Motor carriers of property other than household goods carriers electing to be subject to uniform bills of lading and antitrust immunity regulations. (a) Any intrastate common ~~and contract~~ motor carrier of property, other than household goods carriers, may elect to be subject to regulations related to any of the following:

(1) Uniform cargo liability rules for property being transported pursuant to K.S.A. 66-304, and amendments thereto, and K.A.R. 82-4-48 through K.A.R. 82-4-85;

(2) uniform bills of lading or receipts for property being transported pursuant to K.S.A. 66-304 and amendments thereto, K.A.R. 82-4-48, and K.S.A. 84-7-101 through 84-7-603 and amendments thereto; or

(3) antitrust immunity for joint line rates or routes, classification, and mileage guides, pursuant to K.A.R. 82-4-68 through K.A.R. 82-4-85.

(b) All motor carriers electing to be subject to an existing commission regulation dealing with one or more of the subjects specified in subsection (a) shall file written notice with the commission. The written notice filed with the commission shall specify the commission regulations that apply and provide one-day notice of adoption. If the motor carrier elects to opt out of any prior commission regulation listed in subsection (a), the motor carrier shall file written notice with the commission providing 30-day notice of abrogation. (Authorized by and implementing K.S.A. ~~2009~~ 2011 Supp. 66-1,112, K.S.A. 66-1,112g; effective Jan. 4, 1999; amended Oct. 22, 2010; amended P-_____.)

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-1**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation defines the terms used in Article 4 – Motor Carriers of Persons and Property. The proposed amendments to this regulation include edits to reflect the most recent Federal Motor Carrier Safety Administration updates and minor grammar and form corrections.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

This regulation establishes the definitions of the key terms used in the Kansas motor carrier safety rules and regulations.

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

V. Description of Less Costly Methods Considered Addressing this Issue.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-3a**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation adopts relevant portions of the Federal Motor Carrier Safety Administration (FMCSA) regulations (49 C.F.R. Part 395) governing the maximum driving times for property-carrying and/or passenger carrying commercial motor vehicles. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections and the most recent updates to FMCSA's regulations, including the adoption of the new Hours of Service regulations.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

This regulation establishes the maximum drive times motor carriers may operate within this state. The adoption of this FMCSA regulation is required under Title 49 C.F.R. Part 350. Additionally, this regulation is required to reduce driver fatigue and other health conditions associated with sleep curtailment and a job which is primarily sedentary (truck driving).

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact upon itself or other state agencies, however FMCSA's new Hours of Service Regulations could have a substantial impact on the productivity of the motor carrier industry. By limiting the number of hours in a day and/or hours in a week commercial motor vehicle drivers may drive, motor carriers may see a decline in productivity, and be required to hire additional drivers.

V. Description of Less Costly Methods Considered Addressing this Issue.

As adoption of the Federal Motor Carrier Safety Administration's regulations are mandated pursuant to 49 C.F.R. Part 350, no less costly alternative was considered by the Commission.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-3b**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 40) governing the procedures for workplace drug and alcohol testing programs relevant to motor carriers. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections and the most recent updates to FMCSA regulations, including the adoption of the new chain of custody regulations and form.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

This regulation establishes the procedures for transportation workplace drug and alcohol testing programs. The adoption of this regulation is required under Title 49 C.F.R. Part 350.

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

V. Description of Less Costly Methods Considered Addressing this Issue.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-3c**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 382) governing the procedures for testing for controlled substances and alcohol use. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections and the most recent updates to FMCSA regulations, to include the final rule harmonizing Schedule I drug requirements.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

This regulation establishes the procedures for testing for controlled substances and alcohol use. The adoption of this regulation is required under Title 49 C.F.R. Part 350.

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

V. Description of Less Costly Methods Considered Addressing this Issue.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-3d**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 385) governing motor carrier safety fitness procedures. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections and the most recent updates to FMCSA regulations.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

This regulation establishes motor carrier safety fitness procedures. The adoption of this regulation is required under Title 49 C.F.R. Part 350.

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation. This is an existing regulation establishing safety fitness procedures for motor carriers and drivers operating commercial motor vehicles. Adoption of this regulation permits the Commission the ability to enforce the existing regulations as required by state and federal law.

V. Description of Less Costly Methods Considered Addressing this Issue.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-3f**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. 390) which establish the minimum safety requirements to be followed by motor carriers and their employees, the safety standards for commercial motor vehicles and intermodal equipment. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections and the most recent updates to FMCSA regulations.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

This regulation sets out the safety rules each motor carrier and its drivers must follow during the operation of commercial motor vehicles for the purpose of transporting property, passengers and/or intermodal equipment. The adoption of this regulation is mandated by Title 49 C.F.R. Part 350.

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation. This is an existing regulation establishing minimum safety requirements for those motor carriers and drivers operating commercial motor vehicles. Adoption of this regulation permits the Commission the ability to enforce the existing regulation as required by state and federal law.

V. Description of Less Costly Methods Considered Addressing this Issue.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-3g**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. 391) which establish the minimum duties of motor carriers with respect to the qualifications of their commercial motor vehicle drivers. This regulation also establishes the minimum qualifications for those drivers who own and operate commercial motor vehicles. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections and the most recent updates to FMCSA regulations.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

The proposed edits to this regulation change the use of the term “licensed medical practitioner” to “licensed medical examiner,” in favor of consistency with other state and federal regulations. The proposed edits to this existing regulation is necessary to ensure compatibility with the Federal regulations as required in 49 C.F.R. 350.

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation. This is an existing regulation establishing minimum guidelines for motor carriers with respect of their supervision of drivers operating commercial motor vehicles. Adoption of this regulation permits the Commission the ability to enforce the existing regulations as required by state and federal law.

V. Description of Less Costly Methods Considered Addressing this Issue.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-3h**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. 392) which establish the minimum duties and procedures for the driving of commercial motor vehicles. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections and the most recent updates to FMCSA regulations, including the adoption of new texting and cell phone use prohibitions.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

This regulation establishes the minimum requirements for the driving of commercial motor vehicles. The proposed edits to this existing regulation is necessary to ensure compatibility with the Federal regulations as required in 49 C.F.R. 350.

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation. This is an existing regulation establishing minimum requirements relevant to the driving of commercial motor vehicles. Adoption of this regulation permits the Commission the ability to enforce the existing regulation as required by state and federal law.

V. Description of Less Costly Methods Considered Addressing this Issue.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-3i**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 393) governing the parts and accessories necessary for the safe operation of commercial motor vehicles. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections, deletions and additions required to reflect the most recent updates to FMCSA regulations.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

This regulation establishes the minimum requirements for parts and accessories necessary on commercial motor vehicles operating in either intrastate or interstate commerce. The adoption of this regulation is required under Title 49 C.F.R. Part 350.

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

V. Description of Less Costly Methods Considered Addressing this Issue.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-3j**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 396) governing the inspection, repair and maintenance of commercial motor vehicles. The proposed amendments to this regulation include minor grammar and form corrections, deletions and additions required to reflect the most recent updates to FMCSA regulations.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

This regulation establishes the minimum requirements for the inspection, repair and maintenance of commercial motor vehicles. The adoption of this regulation is required under Title 49 C.F.R. Part 350.

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation. This is an existing regulation establishing minimum requirements for the inspection, repair and maintenance of commercial motor vehicles.

V. Description of Less Costly Methods Considered Addressing this Issue.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-3k**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 397) governing the transportation of hazardous materials with specific respect to driving and parking rules. The proposed amendments to this regulation reflect minor grammar and form corrections, deletions and additions required to reflect the most recent updates to FMCSA regulations.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

This regulation establishes the guidelines relevant to the transportation of hazardous materials with specific respect to driving and parking rules. The adoption of this regulation is required under Title 49 C.F.R. Part 350.

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation. This is an existing regulation establishing guidelines relevant to the transportation of hazardous materials and the proposed changes carry no substantive impact.

V. Description of Less Costly Methods Considered Addressing this Issue.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-31**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 398) governing the transportation of migrant workers. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections, deletions and additions required to reflect the most recent updates to FMCSA regulations.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

This regulation establishes the guidelines relevant to the transportation of migrant workers. The adoption of this regulation is required under Title 49 C.F.R. Part 350.

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation. This is an existing regulation establishing guidelines relevant to the transportation of migrant workers and the proposed changes carry no substantive impact.

V. Description of Less Costly Methods Considered Addressing this Issue.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-3m**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 399) establishing motor carrier employee safety and health standards. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections, deletions and additions required to reflect the most recent updates to FMCSA regulations.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

This regulation establishes motor carrier employee safety and health standards. The adoption of this regulation is required under Title 49 C.F.R. Part 350.

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation. This is an existing regulation establishing motor carrier employee safety and health standards and the proposed changes carry no material impact.

V. Description of Less Costly Methods Considered Addressing this Issue.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-3n**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 387) establishing requirements for the minimum levels of financial responsibility for motor carriers. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections and deletions and additions required to reflect the most recent updates to FMCSA regulations.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

This regulation establishes requirements for the minimum levels of financial responsibility for motor carriers. The adoption of this regulation is required under Title 49 C.F.R. Part 350.

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation. This is an existing regulation establishing minimum levels of financial responsibility for motor carriers.

V. Description of Less Costly Methods Considered Addressing this Issue.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-30**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 386, Subpart F) establishing procedures relevant to imminent hazard with respect to motor carriers. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections and deletions and additions required to reflect the most recent updates to FMCSA regulations.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

This regulation establishes procedures relevant to imminent hazard with respect to motor carriers. The adoption of this regulation is required under Title 49 C.F.R. Part 350.

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation. This is an existing regulation establishing procedures relevant to imminent hazard with respect to motor carriers.

V. Description of Less Costly Methods Considered Addressing this Issue.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-6d**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation establishes the application procedures for motor carriers and their drivers regarding waivers of the Federal physical fitness requirements. Drivers not meeting the physical requirements established in 49 C.F.R. 391 may not operate a commercial motor vehicle without a valid waiver. The waiver application process permits certain drivers an additional opportunity to prove fitness to operate a commercial motor vehicle. The proposed amendments to this regulation include edits to achieve consistency with federal requirements, including the addition of a diabetic waiver.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

Drivers not meeting the physical requirements established in 49 C.F.R. 391 may not operate a commercial motor vehicle without a valid waiver. This regulation provides a means for those drivers to make an additional application requesting limited certification.

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

V. Description of Less Costly Methods Considered Addressing this Issue.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-8a**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation establishes the minimum requirement for safety equipment which must be maintained by motor carriers and drivers of commercial motor vehicles. The proposed edits to this regulation adopt the Environmental Protection Agency's (EPA) toxicity standards set out in 40 C.F.R. Part 82, Subpart G. The edits also include minor grammar and form changes.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

The purpose of the proposed edits to this existing regulation is to adopt the EPA's newest standards for fire extinguishers.

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

V. Description of Less Costly Methods Considered Addressing this Issue.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-20**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation establishes the minimum requirements and standards to be observed in the transportation of hazardous materials by motor carriers and operators of commercial motor vehicles. The proposed edits to this regulation include the adoption of federal regulations concerning pre-transportation functions and edits to achieve consistency with federal requirements.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

Title 49 C.F.R. 350 requires each state to adopt, implement and enforce the Federal Hazardous Materials Rules and Regulations. The purpose of the proposed edits to this existing regulation is to adopt the most current published version of the Federal Hazardous Material Safety Rules and Regulations in a manner which meets the federal compatibility requirements.

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to these existing regulations. The proposed edits do not carry any substantive changes or edits which would add a new burden on the motor carriers operating in this state.

V. Description of Less Costly Methods Considered Addressing this Issue.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-27**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation establishes the procedures for filing applications for certificates of convenience and necessity and certificates of public service. The proposed edits to this regulation delete the requirement to submit certain financial information.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

The proposed edits to this existing rule updates this existing regulation to reflect the Commission's current policies and procedures.

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to these existing regulations.

V. Description of Less Costly Methods Considered Addressing this Issue.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-29**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation establishes the procedures for filing applications for private carrier permits. The proposed edits to this regulation delete the requirement to submit certain financial information.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

The proposed edits to this existing rule updates this existing regulation to reflect the Commission's current policies and procedures.

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to these existing regulations.

V. Description of Less Costly Methods Considered Addressing this Issue.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-39**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation establishes the procedures for surrendering motor carrier identification and authority cards upon the abandonment or cancellation of the carrier's operating authority. The proposed edits to this regulation update and clarify the time and manner of surrendering identification and authority cards.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

The proposed edits to this existing rule updates this existing regulation to clarify the Commission's current policies and procedures.

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to these existing regulations.

V. Description of Less Costly Methods Considered Addressing this Issue.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-39**

I. Summary of Proposed Regulation, Including Its Purpose.

This existing regulation establishes the requirements and procedures for the issuance of bills of lading, way bills and freight bills. The proposed edits to this regulation remove all references to contract carriers.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

The proposed edits to this existing rule updates this existing regulation to reflect the Commission's current policies and procedures.

III. Environmental Benefit Statement.

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the adoption of the proposed edits to these existing regulations.

V. Description of Less Costly Methods Considered Addressing this Issue.

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

